WEIRD FOLLOWING CEREBUS

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FOLLOWING CEREBUS

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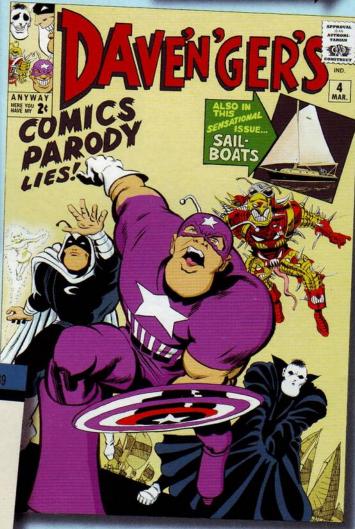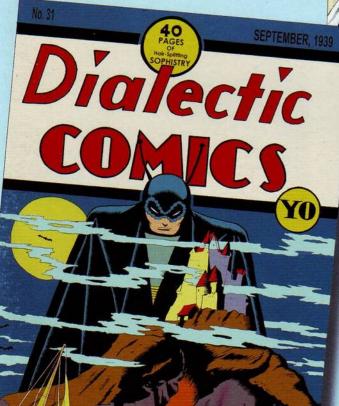
DAVE SIM INTERVIEWS MAD CO-CREATOR HARVEY KURTZMAN

JOE BOB BRIGGS, HARLAN ELLISON, STEVE RUDE, LEE SANDLIN, AND OTHERS ON COPYRIGHT

GERHARD GOES SAILING

WILL EISNER REMEMBERED

"ABOUT LAST ISSUE"

WEIRD

Following Cerebus

Covering the Issue

The Issue

Sometimes individual issues, such as *Following Cerebus* 3, have a way of going their own directions, despite how things were designed. We've learned over the past ten-plus years of publishing that it's best to go with these flows, because forcing things into preconceived notions usually ends up producing bad magazines.

This issue was originally going to be all about the satire and parodies in the early issues of *Cerebus*. We'd note the differences between the two (satire and parody are not interchangeable, though they're often used that way), show examples in *Cerebus*, and maybe have some snazzy "History of the Roach Incarnations" or something, just to remind readers of all the hilarious identities and the characters that inspired them.

As a supplemental feature, we had Dave Sim's 1974 interview with *MAD* magazine co-creator Harvey Kurtzman.

Finally, we had a piece on copyright law. Why? Because in *Cerebus* 300, Dave Sim announced his desire that *Cerebus* would become a public domain work upon his and Gerhard's deaths. *Following Cerebus* would examine Sim's innovative plan and look at some of the recent changes in the U.S. copyright law. It seemed like such a simple article at first. And the ability to create parodies and satirical works requires some breathing room in the copyright law, so the topics are indeed related.

We remembered an interesting 2002 column by Joe Bob Briggs discussing the Sonny Bono Copyright Term Extension Act and how it (in JBB's mind) undermined the original intent of copyright law as enumerated in the U.S. Constitution. We received permission to reprint the column. Perhaps we could get a few writers here and there to submit their thoughts on JBB's thesis, or Sim's proposal, or copyright law in general. Getting some responses was not as difficult as we had guessed. The difficult part evolved gradually: where to draw the line at ending the feature. Because the more we worked on it, the more we realized that there were all kinds of related issues that could be included, such as Harlan Ellison's four-year battle (recently concluded) with AOL for allowing some of his copyrighted writings to appear on the Internet, or the question as to who owns the rights to Miracleman, or—going further back—the long battle between DC Comics (then National Periodical Publications) and Fawcett over whether Captain Marvel infringed on Superman's trademark or not.

Our own *Cerebus Companion* 1 back in 1993 contained reports on two copyright-related issues: the battle between Walt Disney Productions and Marvel Comics as to whether Howard the Duck did

(continued on page 45)

Following Cerebus

Vol. 1 #3 February 2005

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Craig Miller
&
John Thorne

Cerebus **comic book by**
Dave Sim
&
Gerhard

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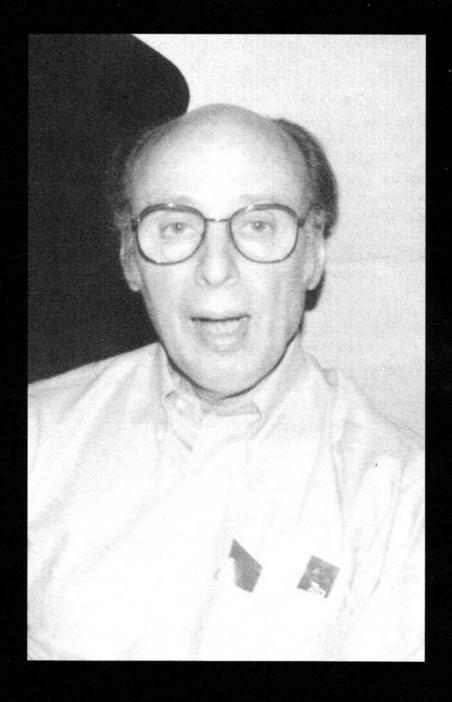
Dave Sim interviews Harvey Kurtzman (1974)

There are snapshot moments in my mind, associated with each of the interviews I did for the Now & Then Times *and for* Comic Art News & Reviews (CANAR). *In the case of Harvey Kurtzman, the man most responsible for the introduction of parody into the comic book field, it was a common room some distance from the one-day Fancons that Marty Herzog was staging at the time at Toronto's York University (whose Winters College had already been the site of the larger, three-day Cosmicons). Adding to the physical distance was the turn-out of many York students for Kurtzman's talk. I really wondered how he would do, what the mainstream audience reaction would be to a cartoonist who wasn't exactly a household name. I had my tape recorder ready to go and was seated against the wall to Kurtzman's left as he began.*

Harvey Kurtzman Speaks

The following talk by Harvey Kurtzman was given on October 20, 1974 at Marty Herzog's Fancon at York University.

For those of you who are not familiar with my work, I was very much involved in the creation of *MAD* magazine many years ago. After *MAD*, I had a series of magazines called *Help!, Trump, Humbug,* and I finally settled into the feature "Little Annie Fanny," which, for those of you who don't know, is a comic strip in *Playboy* magazine.

My history goes back, actually, to high school, where I met many of the people who were instrumental in helping me do *MAD* and shaping the magazine in its infancy—a marvelous high school where I probably made more permanent friends than in any other subsequent art school. I met people like [Joe] Kubert, [John] Severin, and [Al] Jaffee. And then Will Elder.

Willy was the class cut-up, as I remember, and my first sight of my partner in high school was him in a telephone booth with catsup running down his chin, and he was imitating a pilot going down in a burning World War I airplane.[1] I had thought at the time that it was the funniest thing I had ever seen. Little did I know at the time that I would be teamed up with him in later life. Willy was kind of a natural "crazy." Even back then he was crazy and was very instrumental in setting the tone of *MAD*.

One of the things I remember that he did back in high school—Al Jaffee told me this story, actu-

Top: MAD *4 (1953) cover by Kurtzman.*
Bottom: Humbug *7 (1958) cover.*

[1]*This got a good laugh. I hadn't realized it at the time, but the reason Kurtzman could always be confident in front of an audience is that he had a near-bottomless supply of Bill Elder stories to tell if he found himself losing their attention.*

Harvey Kurtzman

Will Elder

Jack Davis

Facing page: Kurtzman in 1989. Above: artist portraits (self-portraits?) in the first issue of MAD (1952).

Left: The first issue of Humbug (1957). *Right:* Trump *2 (1957; with inset reproduced full size).*

ally—was that Willy would be perpetually painting this stag in the forest. It was a picture of a deer in the forest, and Al would visit Will in the summertime, and there would be the deer in the green woods. A few months later in fall, Al would come back, and the deer would still be in the woods, but now the leaves were turning color. Willy was constantly changing this picture. Al would come back in winter, and all the leaves would be gone, and there would be snow

"There I met...Jack Davis, Wally Wood, Will Elder, John Severin. And we did the comic book *MAD*."

on the ground. Then spring would roll around, and Willy would have the trees sprouting leaves.[2] Well I thought it was pretty crazy,

Anyhow, we separated and went into the Army and didn't meet again until many years later. Meanwhile, I started working for EC comics. Most of you know EC comics, I would guess, being comic book fans. And they gave me this great story to do. It was on venereal disease, and it was for Columbia University.[3] And that was my first experience with EC.[4] It might have been a signal for things to come.[5] There I met people who would make up the "team" eventually—Jack Davis, Wally Wood, Will Elder, John Severin. And we did the comic book *MAD*.

That was a fairly gray period of my life, and I finally broke with EC. I went to work for Hugh Heffner right after *MAD* magazine, on a little-know adventure called *Trump* magazine. And that, too, was a fairly gray period. I think things really started getting weird when I started doing "Annie Fanny" for Heffner and suddenly, after many years of climbing up to my attic and climbing back down again for dinner and sleep and then getting up and going back to the attic, I found myself in a whole new world. I woke up one morning, and I was in the red room of the Playboy Mansion, sharing the toilet with a Playmate.[6] It was a complete change from *MAD* magazine. I don't know if the work got any better, but it was a hell of a lot more fun.[7]

On "Annie Fanny," I worked with so many good people because we had a team system where I worked with Will and people like

Will Elder cover art for MAD *5 (1953)*

[2]*This got an even better laugh. The people who had been uncomfortable with the catsup running down Elder's chin found this story to be a lot more accessible and inoffensive.*

[3]*This got a huge laugh. Coupling venereal disease with Columbia University, I suspect, was a calculated thing, tailored to students at a much lesser-known school. Kurtzman could afford just to let the laughter subside and then deadpan:*

[4]*Which provoked another smaller laugh, so that he could deadpan another non-sequitur:*

[5]*At that point, they were in his pocket.*

[6]*Good laugh, but a little wary. Political correctness on the left was already at loggerheads with Playboy magazine conceptually. The coupling of "Playmate" and "toilet" took some of the edge off.*

[7]*An even better laugh as the male half of the audience is still thinking about sharing a toilet with a Playmate.*

Jack Davis, Russ Heath, Frank Frazetta, Paul Coker, Al Jaffee, Arnold Roth. We had a very wild system of meeting our deadlines. When we didn't meet our deadlines on time at home, we'd all meet at a hotel room and try to meet our deadlings there. And if that didn't work, I'd pack everything into an airplane and whisk them off to the Mansion. I don't know how much work we got done that way, but we had a lot of good times.[8]

I remember one incident. Will Elder used to wear these horrible work pants, and the reason he wore them was that he cleaned his brushes—he does watercoloring—on his pants! He dips, and he paints, and he wipes it off on his pants. Consequently, he has the nastiest pair of pants any artist can hope to have. Most artists use a paint rag. Well, the crew was going crazy. We'd been trying to meet a deadline for a week, and we were trying to relieve the monotony. And one day Russ Heath got an idea. He took a razor and cut all the seams in Willy's pants so that when he went down to breakfast, the pants were barely holding together, just by a thread here and there. And Willy didn't notice the difference. He thought they were just the same old work pants. We couldn't get the message across until someone reached down and said, "Is this pocket yours, will? I found it on the floor."[9] Arnold Roth is a very sound sleeper. We took his bed out of the room, and when he woke up, he found himself in the Bunny dorm. A happy surprise.[10]

The research on "Annie Fanny" was probably more fun than anything else.[11] No, that's legit, because to do a story, very often I'll travel, and I'll have an experience comparable to what I'll put in the story. For instance, I just got back from St. Topez, the topless beach of the western world. Whew! I've been to communes. I've been to nude therapy sessions. As a matter of fact, I did a story on the nude therapy sessions where everybody gets in the swimming pool without their clothes on, and

Little Annie Fanny

> **"The research on "Annie Fanny" was probably more fun than anything else."**

[8]*He was losing them at this point. "I don't know if the work got any better" was one thing; "I don't know how much work we got done that way" was something else. Too suggestive of what else they might've been doing.*

[9]*No laugh.*

[10]*No laugh. "Bunny dorm" was exactly the sort of thing that the left was at loggerheads with Playboy magazine about.*

[11]*The audience surprised him with a big laugh here. Obviously they were still mentally conjuring with all the things Kurtzman and crew might've been doing when they weren't working. The idea that there would be such a thing as "research" on "Little Annie Fanny" struck them as hilarious, which pulled Kurtzman in two directions at once. One, he was happy to have them back responding to his speech with laughter, but two, he was more than a little offended that they didn't realize that he was known for doing research. He still thought he was addressing an audience largely made up of comic-book fans and not the "civilian" college audience he was actually addressing. The comic-book fans were a city block away in the dealer's room!*

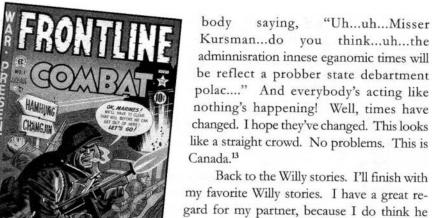
Left: First issue of the MAD comic (signed in the late eighties by Kurtzman to FC's publisher). Center and right: cover and page 1 of first magazine-format issue, #24 (1955).

the team sort of takes everybody in turn and rocks them back and forth, the idea being to let all your emotions go and get back to some natural state. I couldn't understand quite what this natural state was supposed to be until I discovered that the director would grab each subject in turn, there in the swimming pool, and he'd squeeze them by some nerve in their neck or in their leg and set them screaming. I mean really screaming, like someone out of a murder mystery, and then at the strategic moment he'd put a warm baby bottle in their mouth, thereby returning them to some natural state. This is the kind of research I have to do.[12]

Above: Kurtzman's groundbreaking work for EC Comics extended beyond MAD.

Probably the most unsettling experience I ever had was when I went to upstate New York to one of those really far-out colleges. We were having a conversation something like this, only everybody was on something. And I'd never spoken to a high audience before. Bit, it was like I was talking, and everybody else was talking *to each other*. One guy's singing. One guy's going, "Doodleoodleoo." And I stood up there saying, "Why am I here? *Why*

"I woke up one morning, and I was in the red room of the Playboy Mansion, sharing the toilet with a Playmate."

am I here?" And someone up there said, "Let's tell jokes." Another person said, "Let's sing songs." And the clincher came—this was about five years ago at the height of the college madness—when we were standing there having some kind of dialogue. I'm not sure what, and out of the corner of my eye I see two students, working their way through the crowd. They're coming forward. We're talking and talking. At some signal they throw off their clothes, and they start fornicating on the floor. It was a place like this, with everyone just sitting around. And I think the most incredible experience of my life was just standing there being addressed by somebody saying, "Uh...uh...Misser Kursman...do you think...uh...the adminnisration innese eganomic times will be reflect a probber state debartment polac...." And everybody's acting like nothing's happening! Well, times have changed. I hope they've changed. This looks like a straight crowd. No problems. This is Canada.[13]

Back to the Willy stories. I'll finish with my favorite Willy stories. I have a great regard for my partner, because I do think he was responsible, because of his natural talents and juices, for establishing a certain mood in *MAD* magazine. It was a very natural thing that he did. It came my him automatically. For example, we'd go to a restaurant, and we'd eat the food and go to pay our bill, and he would open up his wallet, and it was stuffed with lettuce leaves from the salad. Or someone would ask him what time it was, and he'd pull up his pants leg, and there would be all these watches on his leg. Or we'd cross a street, and he'd open car doors, walk through, and say, "Excuse me."

But the stories get much more elaborate than that, and much more sickening. But this is an intimate group, and I'll lay it all out in front of you. It goes back to his childhood. He was very creative. Once, he had a turntable that his mother was throwing out. He insisted on keeping it. He cut out little figures of a man with a large knife upheld and a running woman. He'd put them both on the turntable, shine a light past them, and outside on the street people saw on the window shades a man chasing a woman around and around with his knife. That's nothing. Another time—it was dreadful, but quite creative—Will would run with this gang of young punks, and they went down by the railroad tracks and found this refrigerated car. So they broke the seal and took out these joints of meat. Willy got a marvelous idea. He instructed his minions to raid a neighbor's back yard, and they took children's clothes, dressed up the meat, and spread it along the railway tracks. It was a dreadful story. It's only funny because it's a long time ago. But later the police came and put everything in baskets for identification.

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[12]*While he was telling the therapy story, I think he finally clued in that this was a college crowd and not a comic book crowd.*

[13]*Lots of laughs, throughout, ending in a nice round of applause. Of course I'm not sure that what Kurtzman wasn't saying was, "See, I didn't realize you were college students. You all look and act so straight, I thought you were comic-book fans! I forgot I was in Canada!"*

But the story that I always tell—there's no way out of it—is Willy's trick in the Army. He got this brilliant idea. They got this goulash every week at the mess hall, and he got the idea of filling a hot water bottle full of goulash. Willy and a buddy would go into town, the buddy hiding the goulash. They'd drink a bit, then whoop, goulash all over the bar. Then Will *eats* the goulash![14]

After a nice round of applause, Kurtzman was guided out of the common room to a place in the hall that had been set aside for him to sign autographs. Somewhere along the line, I had already asked it I could interview him, and he had said sure. When he got to his table, he informed me that he would be doing an interview for the York University student newspaper first, which was conducted by a young female student. It was an interesting experience sitting and watching him sign autographs and do quick sketches of Little Annie Fanny for fans and students waiting in line. I would say that only Sergio Aragonès could match him for quickness and the variety of his sketches.

Anyway, the student who was interviewing him had only a pad and pencil with her and wrote sporadic notes as Kurtzman answered what I remembered as being largely political questions of the sort that you would expect from a student in the mid-seventies, with many digressions and (not unexpectedly) an undercurrent of flirtation. I began to despair of getting to do my interview, as Kurtzman's answers got longer and longer, and the student had long since stopped writing anything down. Finally, as he signed the last few autographs and did the last few sketches, it was my turn. At that point, between the talk and the student interview, he was pretty well "talked out," as you can see from his first few answers. He opened up a little bit as we went along, but, at one point when I attempted to ask a follow-up, he stabbed my list of prepared questions with his forefinger very emphatically and indicated that I stick to those. This I dutifully proceeded to do.

Harvey Kurtzman Interview

The following interview with Harvey Kurtzman was recorded by Dave Sim on October 20, 1974 at York University.

Sim: *Did any comic book companies other than EC show interest in your work when you went to New York?*
Kurtzman: Yes, I worked for lots of companies—Fawcett, DC, Marvel.
DS: *How do you feel when you see artwork you did twenty years ago?*
HK: I cry.
DS: *Is it easier to get a job in comics today, as opposed to when you broke in?*
HK: I'd imagine that the level of professionalism is much higher and more demanding.
DS: *Would you ever like to do comic book work again?*
HK: I don't think anyone likes to go back.
DS: *Do you ever regret having left* MAD*?*
HK: No.
DS: *What was it like working for Bill Gaines?*
HK: You mean the way he would take us to the roller derby for Christmas? I'll never forget, instead of an office party, he takes us to the roller derby?
DS: *How would you describe your approach to* MAD *as opposed to the one used today?*
HK: I find that the cutting edge was much sharper. At least that was my impression of what I was doing. I don't think *MAD* today is as satirical as it might be. But that's probably good for them in the

"[Elder] would open up his wallet, and it was stuffed with lettuce leaves from the salad."

sense that it's probably very good for sales.
DS: *What was the reason for* Trump*'s failure?*
HK: Well, of course, in the magazine field, if you ever have a failure, you've always got a good excuse. Everyone else says they didn't sell enough magazines, which is essentially true, but I have a fancy excuse. Hugh Heffner at the time was very close to going bankrupt, unbeknownst to the world at large, and Heffner was sponsoring *Trump*. So he cut back on *Playboy*, slashed everything in half. He had expanded too quickly. It was the same story at one time for *Life*. They almost went under because their business was too good. They sort of out-paced themselves. Heffner started cutting right and left, and we were put out first. It was quite a day in my life. I was in the hospital waiting downstairs for news of a baby being born and worried that there were complications. It was one of the most surreal days of my life—Heffner comes through to tell me that the magazine is finished, and then Gaines comes

[14]*All of the remaining Willy stories got a good laugh each as Kurtzman and the polite leftist Canadian college students were at last comfortable with each other.*

Top: Kurtzman cover for MAD *7 (1953). Middle: Kurtzman's final issue of* MAD *(#28; 1956). Bottom: Jack Davis cover for* Humbug *6 (1958).*

through! I don't know why! There's no ending to the story, except that Gaines's wife is in the hospital, and everybody is in the basement of this hospital at the same time. And then I went home, and a pigeon crapped on my head.

DS: *Would you ever revive* Trump?

HK: Starting magazines is a rough business, and I'm very comfortable now. I'd like to start a magazine, but it would take a good kick in the rear end for me to want to go into that again. You've got to be able to sacrifice and sacrifice and sacrifice to start a magazine. Not that you necessarily have to sacrifice, but you have to be prepared to. I have yet to hear of a success story in the magazine field that didn't start with blood, sweat, and tears. When

"We never got sued at *MAD* ."

you are relatively unencumbered as you are, and as I am not, it is a lot easier to start magazines. When the rent comes due and baby needs new shoes, it becomes a lot more difficult.

DS: *What about Jim Warren?*

HK: What can I say that won't come back at me later on? All I can say is that I used to go visit Warren in his apartment, and he always admired Lenny Bruce. Apparently he heard that Lenny Bruce ran around his apartment naked. So whenever I'd come to his apartment, he'd be naked, except he'd wear a pair of sweat socks. The effect just wasn't the same. I mean, you can't run around naked in your apartment and be afraid of athlete's foot. It's just not Lenny Bruce.

DS: *What about* National Lampoon?

HK: I think it has some brilliant stuff in it. Some of it makes me uncomfortable. They say that anything is fair game for criticism. On the surface that seems to make sense, but sometimes it makes me feel depressed for the targets they choose.

DS: *In recent years, fewer people have worked on "Annie Fanny," until only you and Will Elder work on it. Is there a reason?*

HK: Yes. Working with a large team was complex and difficult, and the system became overbearing. I found that life was a lot happier working with a simple arrangement. The present arrangement with myself and Elder is very easy on the nerves.

DS: *How do you see Annie's development since 1962?*

HK: Well, I think she was a thirty-six bust, and she's gone to a thirty-eight. Oh, I don't know. I think we've just gotten a lot slicker, a lot smoother, a lot faster in our work. We've become a lot more professional.

DS: *Why does "Annie" not appear as regularly as it used to?*

HK: Well, we have all kinds of problems. We just produce it as fast as we can. Recently I went on strike at *Playboy*, but that's a personal matter. Really, it is just that the stories take a long time to turn out. It takes about a month of man-hours to produce a page of "Little Annie Fanny."

DS: *When you hand in the "Annie Fanny" pages, what is the reaction?*

HK: Heffner looks them over and says, "This is great. Only, could you move everything a half an inch to the left?"

DS: *How long does it take to write an episode?*

HK: If differs. Sometimes it takes a week. Sometimes it takes two or three weeks. It's all according to how stiff the idea is, how it moves. It's unpredictable.

DS: *Do you ever change the dialogue of story while you're*

drawing it?

HK: Right up to the last minute. The changes are made and made and made and made and made again. The last thing we do is the dialogue. That is, we finish rendering everything up to the dialogue. The last thing we render is the pencil dialogue, giving us a chance to change text right up to the last minute.

DS: *Could you describe the production of an average "Annie Fanny" story?*

HK: I write a story outline. Send it to Heffner. He okays it. I expand the outline into a storyboard and send it to Heffner. I start working on the finished story simultaneously. He passes along his criticism. Meanwhile, I make blow-up photostats, and I do pencil tracings. The tracings are passed on to Will Elder, who redraws them. In the meantime, I make color sketches, rough color schemes. Those too are passed on. Will finishes the rendering. The letterer, meantime, has masked off areas for lettering. He inks the lettering later. It all comes together and goes off to Chicago.

DS: *You offered Heffner a number of ideas before he selected "Annie Fanny." If the choice had been yours, would it have been "Annie"?*

HK: Oh, yes. The concepts that were passed on to Heffner weren't comic strips. The situation was wide open, and we were talking about doing all kinds of things. This was the comic strip idea that was suggested. The other ideas were articles and different kinds of features.

DS: *Russ Heath said in* CANAR [Comic Art News & Reviews], *"Surely people don't still want to read about the perpetual virgin." Does the perpetual virgin still have appeal?*

HK: I think so. I don't think there are many virgins any more. Out attitude about Annie isn't that she is a virgin, but she just isn't easily available. And I think that the emotion, the male respect, for a girl who isn't easily available is a classic instinct that certainly won't change in our lifetime.

DS: *Did you ever get sued for anything in "Little Annie Fanny"?*

HK: Never. We never got sued at *MAD*, either. When I went into publishing on my own, I got my pants sued off by Archie Comics. We did a takeoff on Archie, and that was the only time I was sued. I couldn't fight it, so I paid my rent and lived on the street for a few months.

DS: *What is your reaction to "Wicked Wanda"?*

HK: What's "Wicked Wanda"? What? Where? I have no idea what you're talking about. It's horrible. What are you doing reading that magazine? I'd think you would have better taste.

DS: *Do you get reprint fees?*

HK: Yes, we do. We have a very happy little arrangement with *Playboy*, and we make royalties on the reprints.

DS: *Does* Playboy *still keep the original artwork?*

HK: Not any more. They're giving us the originals. Heffner has decided to give all his cartoonists back their originals.

DS: *Russ Heath said in* CANAR *that the reproduction on "Annie Fanny" is not as good as it could and should be.*

HK: He's full of beans. We get the best reproduction of that sort in the world, second to nothing I can think of in the magazine business.

DS: *There is supposed to be an "Annie Fanny" strip in which she takes a tour of the Playboy Mansion. Will it ever see print?*

HK: No, it was ditched about seven years ago.

DS: *When are we going to see an "Annie Fanny" animated film?*

HK: There are conversations going on, but we've been trying to do an "Annie Fanny" film for ten years. I'm beginning to despair.

DS: *What about the underground comic books appeals to*

Top: Humbug *stories collected in a 1957 paperback, and Kitchen Sink's 1986 deluxe reprint of Kurtzman's 1959* Jungle Book *paperback. Bottom: two Kurtzman-edited paperbacks from 1985.*

"Superduperman" from MAD *4 (art by Wally Wood)*

you?

HK: They like me (I think).

DS: *Where is comic art heading?*

HK: I haven't the vaguest.

Afterward

I think he was rather pleasantly surprised when he finally saw the special Kurtzman issue of Comic Art News & Reviews. *He sent a short note that John Baldge printed in the next issue:*

Dear John Baldge,

Where has *CANAR* been all my life? I especially enjoyed the Andy Capp interview. Smythe must be quite a guy.

Since this is the "Parody and Copyright" issue of Following Cerebus, *I should probably include what I had to say about Kurtzman's pioneering efforts in "The Kurtzman Magic" in that same issue of* CANAR*:*

The contribution he made with the *MAD* comic book is less pronounced [than his contribution to war comics], but real nonetheless. When the early *MAD* satires are read today, they seem commonplace and almost pedestrian in their presentation and "style." The fault lies not in the stories themselves, but in what has come about since then. The style Harvey Kurtzman innovated when he began *MAD* has been used and reused, diluted and rediluted, until you have the magazines of today (not to mention magazines like *Crazy* and comics like *Not Brand Echh* and *Inferior Five*). The ideas and concepts behind the original *MAD* comic seem common only by their association with the less creative efforts of today. So while Kurtzman's early efforts no longer seem to be original (they are), it is only because of the use that has been made of them in less capable hands. That is not to say Kurtzman's *MAD* stories are totally without value. Far from it. His employment of a total cartoon style that was almost devoid of any kind of realism communicated better than most of the realist work that has been featured in humour magazines. It was a different approach to the presentation of humour in comic-book format that would serve as the groundwork for the "Little Annie Fanny" strip Kurtzman would later develop for Hugh Heffner's *Playboy* magazine. The basis of the "formula" was the combination of visual and written humour—in short, the full use of the potential that lay in comic books for the presentation of humour. Will Elder developed this idea with him, filling each and every corner of every panel with signs, newspaper headlines, books, odd characters, and visual "sight gags." The "formula" has been attempted many times since the early Kurtzman efforts (he left *MAD* after twenty-three issues of the comic and five issues of the magazine), but never quite as successfully. The Kurtzman touch in the writing was as much in evidence as his distinctive page layouts ("Look! Up there in the sky! IT'S A BIRD! IT'S A PLANE! It's a bird.").

Three years before I began work on the first issue of Cerebus, *I was already beginning to assess what would and wouldn't work in a humour comic book. I was pretty sure that the Kurtzman and Elder approach had been milked dry, and I suspected that the key was in balancing the writing and the art and making both as funny as possible.*

I wonder if the interview conducted by the university student ever saw print.

In 1991 Kurtzman produced a beautiful "visual history" of comics for Byron Preiss/Prentice Hall Press.

Dave Sim on Parody and Copyright

FC: *You wrote in* Cerebus 300 *that the "phone books" will go into the public domain upon your and Gerhard's deaths. Are you making some statement about how you perceive art, copyright and the public?*

Sim: Let me answer the overall sense of your question, to begin, rather than the specifics, because this touches on the core of a number of problems that I'm facing in my uphill struggle to try to preserve *Cerebus* as a creative work. What I wrote in issue 300 to my lawyer, Wilf Jenkins, was, *"We've already accomplished the relatively easy part of formalizing that* Cerebus *as an intellectual property, will enter the public domain at the passing from this mortal coil of Ger and myself and that Preney Print & Litho will be the custodians of the negatives for the entire* Cerebus *storyline, copies of which they will provide to any publisher interested in printing his or her own edition of any of the separate trade paperbacks or the 6,000 page story in toto."* I think I'm still the only person who actually understands what I'm saying here, and that includes Wilf.

As an example, when Wilf and I were meeting with Susan Bellingham at the University of Waterloo's Special Collections, he mentioned that, if we reached an agreement, they would also have the rights to publish *Cerebus*. Which is, as far as my intentions go, certainly true, but so would everyone else. However, Wilf was under the impression that the institution housing the Archive would inherit the rights to publish *Cerebus*. Now, remember, this is the lawyer who put together the Shareholder Agreement specifying that *Cerebus* enters the public domain upon Ger's and my deaths, and *he* doesn't understand my intention with it—which is the fundamental problem, first of all, with contracts generally that I've always warned against. It doesn't matter what you *intend* with a legal document if the arbiter of any dispute reads into the text his or her own interpretation or, as is usually the case, the interpretation of the person or corporation who has the most money with which he or it is willing to back his or its claim prevails legally. There's a perfect example of this when when you say, as part of your question, "You wrote in *Cerebus* 300 that the 'phone books' will go into the public domain upon your and Gerhard's death." And I start to think, communicating what I'm attempting to do isn't *difficult*, it's *impossible*.

FC: *How do you mean?*

DS: Well, there's a fundamental misunderstanding in your question of what the public domain is. I can't *just* put the trade paperbacks into the public domain. The public domain covers the entirety of the intellectual property and every implication of it. It's the reason that anyone can do a comic-book character called Zeus or Robin Hood or Robin Hood Dry Cleaners or Zeus Pizza Delivery. No one owns those characters, those iconic concepts or mental images—they are everyone's to use. And there are many unresolved perceptions—unresolved by the courts themselves—of what trademark and copyright are.

For instance, the Superman trademark is the picture Joe Shuster drew back in 1939 of Superman snapping chains with his chest expansion that was used on the early Supermen of America fan club. That's what DC registered along with the Superman logo. Purely by dint of the sheer weight of the currency they have expended over the years on lawyers and crushing people like insects in the courts, they've expanded that over the years to create the impression—largely in their own minds—that their trademark protects something besides the specific Joe Shuster image, which they would use here and there every time the trademark needed to be renewed.

Above: Joe Shuster art from the back cover of Superman *1 (1939) based on a drawing that originally appeared in the first Superman story in* Action *1 (1938). Right: the Neal Adams cover for* Superman *233 (1971).*

The cover of *Superman* 233 was part of that on-going legalistic and rhetorical discussion when they got Neal Adams to draw Superman breaking kryptonite chains with his chest: their legal point, presumably, being that it doesn't need to be Joe Shuster's drawing, it can be anyone's drawing of Superman breaking chains with his chest. Which bypasses the fundamental question: is your protected trademark only a picture of Superman bursting chains with his chest? If there are no burst chains, is it still a valid trademark?

See, trademark was originally intended for

> **"DC spends millions of dollars a year stamping out SuperCleaners and SuperPizza people."**

things like the Coca Cola or Ford logos. A single iconic word in a specific lettering style, or a specific image that represents the company in question, the company's "mark" under which it conducts its "trade." But DC spends millions of dollars a year stamping out SuperCleaners and SuperPizza people who use the idea behind the Superman logo and draw someone in a skintight costume with cape flying. And then they use the number of people they have crushed like insects over the years as legal precedents to shore up the still untested hypothesis of whether Superman—or any cartoon character—is even "trademarkable."

Cartoons present an unhappy legal problem in that they exist in a fuzzy borderland between a book and an image and beg the question of what is actually being sold, what the intellectual property consists of. Are you stealing someone's property if you do a character in a skin-tight, colourful costume who flies and lifts heavy weights and fights crime? The underpinning of the opposing legal argument is that Fawcett Publications says that Captain Marvel is completely different from Superman or different in a number of significant ways so that it is a different intellectual property. Superman sells a million copies a month, and Captain Marvel sells a million copies a month. DC's contention amounted to their legal belief that if Captain Marvel had never been created, Superman would be selling two million copies a month. But, obviously, the Captain Marvel stories were different from the Superman stories. If you put any picture of Captain Marvel drawn by C. C. Beck next to Joe Shuster's picture of Superman bursting chains with his chest, you could tell them apart very easily.

It seems to me that the only reason that the lawsuit got anywhere was because it was a make-work project for lawyers. For a good fourteen years—at whatever they were billing DC and Fawcett per hour, and the mind boggles at the prospect—the lawyers on either side hashed out whether Captain Marvel diluted the Superman trademark. Had Fawcett not folded the tent, they would probably still be arguing it today, a comic book version of Dickens' *Bleak House*.

There were rumours going around a while back that Steven Spielberg had trademarked the word "Nazi" so that he could sue anyone who tried to revive Nazism, which seemed to misunderstand, again, the nature of what trademark is. The thrust of trademark and copyright law is that you have to continue to use the trademarked and copyrighted work in order to maintain your claim to it, so, if the rumours were true, Spielberg would have to keep using the word Nazi with a ™ symbol attached to it to fulfill the legal requirement of his needing to actively demonstrate that the iconic term "Nazi" is his property, and he's using it to conduct business on a daily basis to have grounds for any prosecution he would attempt in court, which seems more than a little unlikely and would be completely contrary to the rumoured purpose.

So you have that corrupted ideal of what trademark and copyright law are supposed to be and, at the same time, you still have most of the decisions being won by the biggest bank account crushing puny opposition. I'm not sure where the theory originated, but it sounds to me, again—as most of these situations tend to be—that is, nothing more than a make-work project for shyster lawyers who preyed on the early DC Comics ownership by convincing them that they were going to lose the goose that laid the golden eggs if they didn't sue everyone else

Superman (1941) and Capt. Marvel (1944)

who used the term "golden" or "goose." It's a garden variety lawyerly trick: ask a lawyer for his advice, and the first thing he'll do is to tell you to retain counsel and leave everything up to him. Don't even dream of coming up with an idea on your own or questioning anything. Just do what the lawyers tell you, and keep the checks coming.

So, it didn't take long for that to be established as the norm, as the way you *had* to do business if you were a comic-book publisher. Unchecked over the decades, it now amounts to institutionalized paranoia with the Legal Departments at the big companies representing an astronomically large portion of the cost of doing business, still doing what they've always done: advising caution that requires hundreds of billable hours at top New York rates on a Chicken Little basis. Just phone the Legal Department to check, and they'll tell you that the sky is, indeed, falling, but for $400 an hour at sixty hours a week and two or three years of full-time litigation, they can tape it back into place.

It isn't just the fear of Marvel losing the rights to, say, *Howard the Duck* in the case of Steve Gerber's lawsuit, it's the can of worms that that would open. For a big company like Marvel or DC that doesn't create anything—they merely own things—it's part of the cost of doing business. You spend a half million to fight the occasional Gerber-style lawsuit, because if Gerber wins, it's going to cost you tens of millions. The larger legal point and the reason that the decisions always go against the creator is that if the courts give *Howard the Duck* back to Steve Gerber, then anyone who ever created anything on the same basis that Steve Gerber did has grounds for getting it back. The higher the court you're dealing with, the more askance they are going to look upon just those sorts of net effects. An Appellate Court or a Supreme Court is very unlikely to introduce new laws or new ways of looking at old laws that will implicitly empty the coffers of multinational corporations.

It's also the reason that the settlements—with Steve Gerber, with Dave Cockrum, with Joe Simon, *et al.*—all have confidentiality clauses. It's basically legalized hush money. We'll pay you this lump sum to shut up and go away, but you have to sign this agreement saying that if word leaks out about what we paid you, you have to give us back the money. As long as the settlement amounts aren't known, you keep the number of litigants down to a minimal number, whereas, if it were to become widely known that all you have to do is to get a lawyer willing to work for a percentage of the settlement or for free under a pro bono system and a year later you get $50,000, you'd have them lined up around the block. The problem with the hush money settlements is that they are now being used as a backdoor basis for revisiting the legal basis underlying the disputes. That is, why would the corporation pay someone $50,000 in hush money if they weren't implicitly acknowledging that the person has a claim to ownership? Why, indeed?

"[T]he only reason that the [Superman/Captain Marvel] lawsuit got anywhere was because it was a make-work project for lawyers."

FC: *But none of this applies to* Cerebus. *What you're talking about is all mainstream work-made-for-hire stuff.*

DS: Well, actually it *does* apply to *Cerebus.* See, once you create an intellectual property like *Cerebus,* it exists in the same context of law that *Superman* and *Batman* do. By capitulating to the shyster lawyers and paying them millions of dollars to crush any threat to the trademark, they have established the norm in the comic-book field governing intellectual properties. In order to establish and maintain ownership, you have to prove that you're still using and therefore maintaining your implied trademark and copyright— which we do by keeping the trade paperbacks in print. The fact that Marvel and DC keep going to war over infringements that they see as diluting the value of their trademark—if someone has SuperCleaners done in Superman style lettering, Superman the Trademark is deemed to be the poorer for it—and all that actually happens in the real world which exists in a universe parallel to the "how many litigants can dance on the head of a pin" legal world is that DC crushes the owner of SuperCleaners like an insect, well, that has implications for *Cerebus.* By not filing suit, as an example, when *Alf* came out, we would be deemed to have allowed people to infringe on the vague shape of Cerebus and Cerebus' attitude and have surrendered whatever implicit value there was in Cerebus' vague shape and attitude without a shot being fired.

This was used on occasion in conversation with me as a reason that it made more sense to align yourself with a big corporation. They have the resources to protect your copyright and trademark. Sounds as crazy as it is—sell us your intellectual property so

Spider-Ham from 1985 (art by Michael Golden)

we can keep people from stealing it from you—but that was a strongly held conviction back in the 80s. A big corporation is needed to stick up for you. Likewise when Marvel did *Peter Porker, the Amazing Spider-Ham*—I suspect largely as a warning shot across my bow over my doing Wolverroach. Essentially they did Cerebus in a Spider-Man costume. It was an attempt to play some hardball with me. You want to play cute, we can play cute, too. Of course my theory, which dates from that time period, is that you protect your trademark and copyright by being good at what you do. Twenty years later on, Wolverroach is far more memorable than *Spider-Ham,* even though there was, in my view, a far greater level of appropriation going on in the latter case.

"Essentially [Spider-Ham was] Cerebus in a Spider-Man costume."

I think my viewpoint on trademark prevailed then, and I think it prevails now. If your book stinks, it doesn't matter who owns it or how much legal muscle you pay to crush people like insects, a book that's well done will be protected by its own quality, and a book that stinks will vanish in short order. Essentially, what I was saying was, you're fighting the wrong war with the wrong artillery, and you have been since the 1930s. Trademarks have nothing to do with the comic-book field. Your lawyers lied to you to get their billable hours up into the stratosphere and to persuade you to let them take over two floors of your operation, and you fell for it, and you're still falling for it.

Oddly enough it was Paul Levitz who nailed the coffin shut on that particular hallucinatory perception of trademark when he had Alan Moore change the Charlton characters into the Watchmen. Paul made my point for me. If you do similar characters but call them something else, then they're different trademarks and copyrights, because it was deemed necessary to trademark and copyright The Watchmen separately from the Charlton characters. *Ipso facto*, as long as I call him something else, I can do Superman, as Alan Moore went on to prove with *Supreme.* You're fighting the wrong war with the wrong artillery. Trademarks have nothing to do with the comic-book field.

So essentially I looked at what the comic-book field had based its entire legal argument on since the 1930s, saw that it was an Emperor's New Clothes situation, and basically bypassed the lies the company's lawyers were living off of and did so—as the consensus view of the comic-book field held at the time—at great peril to myself, my career, and *Cerebus.* But, even though I had bypassed the companies' lawyers' lies, those lies were and are still the legal basis of the structure of the comic-book field. Cerebus is still an intellectual property, and it is still subject to all of the perceptions of misperceptions of what trademark—*possibly*—is that have been established and re-established over the years. Essentially Cerebus is an unprotected trademark. My answer to that was to acknowledge it. Yes, it's an unprotected trademark. Consciously unprotected in that I don't prosecute anyone who uses Cerebus as part of another creative work.

The vulnerability is in the level of quality which is unknown until it's tested. If I'm not the best writer and artist of *Cerebus* and someone else is, I lose the book the moment that person starts doing The Better *Cerebus.* If you're George Herriman, you're pretty safe. No one is going to do *Krazy Kat* like you do, and anyone attempting to do so is going to look foolish. The thing I have to live with is that Dave Sim might not be in that same category. Somewhere up ahead someone will do The Better Cerebus. As Carl Barks was known as The Good Duck Artist. It's a live by the sword, die by the sword form of existence.

Wolverroach (1983) by Sim; Wolverine (1982) by Frank Miller/Joe Rubenstein

That was what I had done with the Wolverroach covers. I did better covers. Wolverine was a lucrative property, but Frank Miller and Joe

Rubinstein were a bad pairing on the art for that mini-series, and the covers turned out particularly bad. I was no Neal Adams, but I figured I could do much better Wolverine covers than Frank and Joe had done. But, there's no question—or there isn't to me—that those three covers constituted unfair usage. That was just me being a smartass young turk showing Frank and Joe what a Wolverine cover should look like. The only thing that kept Marvel from doing something about it was, I think, the bad optics and the potential for it to blow up in their faces. Ordinarily you would make the Legal Department earn their pay—for a change—by getting a court order to have all copies of the issue destroyed. You could let the first cover go, but by the time the third one came out, you are definitely talking about misrepresentation and dilution of the trademark and possible loss of the trademark, because you aren't protecting it. And all they would have to do is bring a parade of kids through the courtroom who had bought issue 54, 55 and 56 of *Cerebus* because it had Wolverine on the cover—or, the core of the legal point, because they *thought* it had Wolverine on the cover—and they would have had me dead to rights. But what happens to the hole in the storyline? How does Marvel spend the convention season explaining to people why they're missing, on a permanent basis, two parts of the *Cerebus* storyline? How would you prove damages, and what would the attempt to prove damages look like in the public relations end of things?

Jim Shooter came up to me before a panel at a convention that summer and said, "Listen, if you want to do something like that again, write and ask permission." Which was more than a little disingenuous. Had I written and asked permission, they would've said no. But it was an artfully diplomatic thing to do that I suspected Jim Shooter took an enormous risk in doing—on his own initiative—to keep me from getting hurt. What he was doing was buying me some space by saying to the lawyers, I warned the guy that the next time, he has to ask permission, and if he writes for permission, we'll just tell him no. He would let it slide the one time and do me a favour, and the second time, I'd be on my own—he'd throw me to the sharks. And I certainly never did anything like that again. I didn't buy the trademark argument, but that didn't mean I didn't understand that there were distinctions between fair and unfair usage. Three consecutive Wolverine covers where the only difference is that he has two little antenna balls on the peaks of his mask, yeah, that was definitely pushing the envelope of what constituted parody and what constituted theft, and doing so with a bank account that Marvel's Legal Department could have evaporated with very basic legal maneuvers.

FC: *Does the public domain scenario extend to the characters as well? What if someone wanted to do another* Cerebus *book?*

DS: Actually, I've already established that people are free to use the *Cerebus* characters in any other creative work. My theory all along was that what was sauce for the goose was sauce for the gander.

"Those three [Wolverroach *Cerebus*] covers constituted unfair usage."

You can't just flat-out DO Groucho Marx and then start taking someone to court for DOING Jaka. That got tested relatively early on with *Spider-Ham*—I wasn't going to kick about someone using Cerebus' outline without permission—and then more sharply tested with the Spermbirds' "Something to Prove" album. The front of the album is just one big picture of Cerebus as Most Holy. As it turned out they were completely unaware that it was a trademarked image, so Roger and the guys were actually quite grateful that I didn't crush them like insects, because they were a struggling band at the time. And then it got more sharply tested when a fan came up at a convention and showed me his mock-up for a "Cerebus & Jaka's Wedding Night" comic book and asked me what I thought, and I told him that was fine with me. He wrote to me later and said that it was a test he had come up with on his own to see how much of a purist I was on having an unprotected trademark. To me, the peril is largely for the perpetrator. It has to be a Better Cerebus, and by a wide enough margin that you don't piss off avid Cerebus readers and destroy your career. It's a huge risk.

FC: *You've offered perhaps a subtle commentary in the pages of* Cerebus *on something that we think cuts to the heart of this subject, which is the* Miracleman *controversy. What are your thoughts on the whole situation?*

DS: Well, in light of what I've just said about all the ins and outs of trademark and copyright, and where I think there's a certain validity, and where I think it's all just "smoke and mirrors" make-work projects for lawyers, I find the *Miracleman* situation particularly disheartening. Essentially *Miracleman* is the changed name of *Marvelman,* who was a very half-assed knock-off of *Captain Marvel,* which was published in England. The problem seems to stem from the fact that the iconic costume has great sentimental resonance for English comic book creators of Alan Moore and Neil Gaiman's generation. This was the reason that Alan Moore wanted to write a revived Marvelman, and this was the reason that Neil Gaiman was pleased to be asked to follow him on the book and thrilled that he was given Alan's share of Miracleman as part of his compensation and eager to get whatever part of Miracleman Todd McFarlane acquired out of the Eclipse bankruptcy auction.

When I became aware of the situation that was brewing, I contacted Neil directly and Todd indirectly and suggested that the whole thing could be headed off at the pass by just agreeing to make Miracleman the same as Cerebus is, an unprotected

trademark. It seemed very sensible to me. Neil already had all of the *Miracleman* negatives from Todd, so he could print his own work and Alan's in one big *Miracleman* trade paperback, and Todd could

"I...suggested...mak[ing] Miracleman the same as Cerebus is, an unprotected trademark."

do Miracleman statues and hockey sweaters and baseball caps and whatever else Todd was interested in. Miracleman would be protected on the same basis Cerebus is. Anyone would be free to do a Miracleman comic book, but they would be competing with the Alan Moore/Neil Gaiman/Mark Buckingham version if they did so. I think it would be as unlikely that someone would try to do that as it is that someone would try doing a Watchmen sequel if Watchmen were an unprotected trademark.

Unfortunately—unfortunately, to my way of thinking—Neil adopted the viewpoint that everything had been set in motion, and there was no turning back, rather like the troop trains at the start of World War I. He has set up the "Marvels and Miracles Foundation" to determine who actually owns Miracleman and, to me, he has thereby walked into the oldest lawyer trick going: he has asked them to research what is, at essence, an impossible question to answer and which the lawyers can, therefore, spend an unlimited number of years researching and pretending to answer at hourly billing rates that boggle the mind to contemplate. From what I understand, the research phase has already eaten up all of the money Neil made off of *1602,* with no end in sight. It's just such a waste of currency that could've been given to a food bank or the CBLDF or anyone else besides a pack of lawyers. In my view, all Neil had to do was to put out a *Complete Miracleman* trade paperback and told Todd that he was free to do anything with Miracleman that Todd wanted to do, and that would've been the end of it. *Miracleman* would be spewing money all over the place instead of sucking it into a black hole full of

"When was the last time that someone took Xerox to court because their photocopiers can be used to duplicate copyrighted material? "

lawyers. It's just really sad and really unnecessary to me.

FC: *What about what Alan Moore has done with already established characters that are in the public domain in* The League of Extraordinary Gentlemen? *What if Cerebus popped up as a character in another book?*

DS: Well, that's already happened a number of times, Cerebus turning up in other people's books. In the first issue of *Boris the Bear,* he shows up as Sloberus. It wasn't very funny. The art was okay, but it wasn't going to set the world on fire. It basically failed the test. Who remembers *Boris the Bear* these days?

FC: *But that's still parody. What if Cerebus—looks like Cerebus and is called Cerebus—turned up in a comic book while you were still alive, would you consider enforcing your copyright on Cerebus?*

DS: Well, as I say, in my view I spent twenty-six years enforcing my copyright by doing the best book that I could. To me, the only possible protection is the quality of your own work. Any other attempted enforcement, to me, would just be make-work projects for lawyers.

FC: *The Internet has become a focus for copyright debate regarding music, video, and writing. Harlan Ellison, as an example, has taken legal action against AOL because some of his stories have appeared on the Internet. Do you think the Internet—or the idea of electronic information sharing—will have an impact on the way comics are seen and distributed?*

DS: I assume that it already has, but not being connected to the Internet, I couldn't say for certain *how* it has. The firewall certainly *seems* to be crumbling, while at the same time there is still a perfectly viable comic book and graphic novel market. If the relationship had been analogous to that of, say, horse-drawn carriages to automobiles, printed comic books would be disappearing. There are more printed comic books being done today than there were when the Internet came along. Explain that one if you can.

However, I can understand Harlan's point—these stories are the source of his livelihood, and you can't just stand by and allow people to disseminate them widely for free. To me it seems like one of those "Marxism in action" things, where the structure supersedes the ability to take action against infringement. When was the last time that someone took Xerox to court because their photocopiers can be used to duplicate copyrighted material? If you can buy a flatbed scanner for a hundred bucks, and you're hooked up to the Internet, it's going to be pretty much impossible to keep things off of the Internet. There would definitely be a level of poetic justice if the verdict in Harlan's lawsuit holds up on appeal and AOL is forced to police all of its subscribers and delete anything of Harlan's that shows up anywhere in the AOL cyberspace realm—essentially hire one full-time Harlan Ellison Special Weapons and Tactics Cyberwarrior to keep the Internet free of Harlan's copyrighted works. I say it would be poetic justice because I'm aware of how much time and money and energy Harlan has spent on this, so I would hope that if there's a pot of gold at the end of the rainbow, that Harlan derives the primary benefit from it and becomes as rich as King Midas, and the rest of us go to the poorhouse who

didn't back his play.

My own view is that it's easier and a lot less hard on the eyes to read 6,000 pages of comics in book form than it is to read 6,000 pages on the Internet. I'm not sure what the comfortable number of pages to read on a computer screen is, but I assume by the time someone has gotten up around 100 pages, he or she is going to start thinking about buying the books. On the other hand, I make allowances for poverty, either temporary or enduring. I got a lot of letters from starving students through the Neil Gaiman promotion who were interested in getting the comic book primarily because it was free entertainment, and that's all they can afford right now. They enjoyed the Cerebus material that was posted on the Internet that they could find, and they looked forward to reading their free autographed comic book. But that was going to be it until after they had paid off their student loans and started making some money in the real world, which could be ten or twenty years from now. That seems fair to me. Entertain someone for free when that's all they can afford and, who knows? Ten years from now that same person could be a lawyer billing DC $400 an hour to crush SuperDisco like an insect, and they'll use the money to buy Cerebus artwork. Whatever goes around comes around.

That's really all I can say, because the Internet is very foreign to my way of thinking. I went to see Handel's *Messiah* last week and, having had no previous knowledge of it, I'm curious as to what the thinking was behind the specific verses from the Torah and the Gospels that were used. The next time I'm at the library, I'll look up a book on Handel and read that section. The idea of coming home from the opera and doing a Google search on Handel's *Messiah*—it's just not that urgent for me. I can wait until the next time I'm at the library. Most of the world gets its information online, or seems to. I have the same level of interest in the Internet that I had in CB radios when those were popular. I understand the concept, but it just doesn't appeal to me.

Miracleman (a.k.a. Marvelman) comes to the U.S. (1985)

FC: *Some music artists embrace the Internet because it allows them to reach an audience without having to deal with a big music company. Does the Internet offer those same opportunities for the independent comic artist?*

DS: Again, I'm a lousy person to ask. Presumably it does, but from what I understand no one has figured out how to make it pay yet. From my distanced vantage-point it seems to indicate that even the best comic books are just not in the same category of popularity as pornography or whatever else people *are* able to charge for on the Internet. As a result, it seems you can go broke very easily "getting good exposure" and "keeping your name out there" and all those other clichés. I have a level of

"I have the same [low] level of interest in the Internet that I had in CB radios."

curiosity about whether I would be able to charge for my writing on the Internet. Instead of answering five questions a month for free for the Newsgroup or doing these interviews in *Following Cerebus* and answering the mail for free, just shut down that whole side of it and set up a pay-per-view website. Even if it would be more lucrative, this way seems more balanced to me. You can read what I have to say for free, or you can pay for what I have to say.

In a career sense—and again I'm speaking as a person without firsthand knowledge—the computer and all things computer-related are just tangential incarnations of television, and television is very seductive, very addictive. I remember reading Art Spiegelman talking on a panel about scanning images into his computer and then printing them out and working on them and then scanning them back in again, essentially oscillating back and forth between drawing in "meatspace" and then drawing on the computer. And an audience member asked if he thought it was improving his work, and he said no. Which, I thought, was very funny and very honest of him. As if he was admitting that he had this computer addiction that wasn't being particularly helpful creatively but which he was unable to shake. James Turner does all of his work on computer, and it's interesting material. I would never do it myself, but I enjoyed his *Nihil Obstat* graphic novel that he sent me that Slave Labor is going to be printing later this year.

From what Gerhard tells me, people go onto the Internet to entertain themselves for free—relatively speaking if you ignore the Internet connection and how much the computer costs and all that—and that there's a great resistance to things you have to pay for. That doesn't seem like an environment,

to me, where you can build a career. You'd be better off looking for paying markets and building something there and to see televisions of all kinds as toys you can play with when you're done working.

FC: *Canada does not have the equivalent of the U.S. First Amendment. Do you think you have more or less leeway in utilizing copyrighted characters for satire and parody in your country than a U.S. citizen might have here?*

DS: Actually we do have an equivalent of the First Amendment in the Canadian Constitution which was brought in in 1982. We have, as far as I can see, the same basic freedoms as you have in the U.S. enshrined in law—the difference is that we have these other laws that threaten to supersede our guaranteed freedoms. Like our Hate Literature laws. It has never been tested whether my right to free expression supersedes a feminist's idea of what constitutes hate speech or the other way around—which is why I'm perfectly amenable to being a test case and going to prison if that's what it takes.

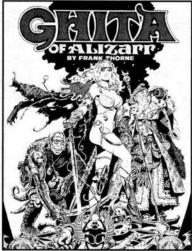
"It has never been tested whether... free expression supersedes...hate speech or the other way around."

You read one newspaper article, and it tells you that the Hate Literature laws are used only in extreme cases when someone is inciting people to violence. Well, what if some deluded feminist thinks that because I shot Julie Doucet's cartoon incarnation in the book, that that means that I'm trying to incite people to shoot feminists? Or what if, God forbid, someone reads it and goes out and shoots Julie Doucet because Dave Sim told him to? And then in the next article Ann McLellan, the former Justice Minister in Jean Chrétien's cabinet, is threatening to strengthen the Hate Literature laws. In my experience there is very little of which feminists aren't capable when they get themselves worked up enough about something, and that they get themselves worked up about things very easily.

Of course, the Canada Border Services Agency decided that a T-shirt inscribed "I (expletive) HATE: Spics, Dotheads, Honkeys, Japs, Wops, Kikes, Wetbacks, Gooks, Chinks, Camel Jockeys and the French—But I [heart] NIGGERS!" doesn't qualify as hate speech, because it expresses an opinion without inciting hatred. According to an Agency spokesperson, if the phrase had ended, "And you should, too," it would've been considered promotion of hate and blocked from import. So I think I'm safe in saying that Canda's Liberal government is all over the map when it comes to our hate laws, which only stands to reason. Since emotion is, by its nature, completely arbitrary, emotion-based legislation can only be enforced arbitrarily. If someone were to file charges against *Cerebus* as hate literature, his or her success or failure would hinge on how the authorities "felt" about it, whether the authorities "felt" I was just expressing an opinion, or "felt" that I was inciting people to hate feminists, which would probably be heavily influenced by how badly I had made the feminist "feel" who was having me charged.

But, in terms of copyright, I did read something a while back that said that American companies like Disney and Time-Warner are very leery of suing for copyright infringement in Canada because the extent of copyright and trademark protections have never been thoroughly tested, and there are a lot of reciprocal agreements between border states and provinces. As an example, if you win a judgment in New York State, that judgment is automatically deemed valid in Ontario. But the reverse holds true as well, and I think that that's a cause for concern. What if an Ontario court decides that some Canadian-made Superman T-shirts don't violate trademark because they aren't the picture of Superman breaking chains with his chest? AOL Time-Warner could appeal a ruling in New York State to the State Supreme Court, but I'm not sure you have the same grounds in Ontario, and you at least have the variable of foreigners being allowed to determine if your—again, in my view—largely delusional ideas of what constitutes a trademark are valid or invalid. At the moment they have the millions of dollars they've spent and the number of people they've crushed like insects working in their favour in the US in supporting what I see as their largely delusional interpretation of what a trademark even *is*, but they wouldn't have that same storied history of extravagance and megalomania playing in their favour in a Toronto courtroom. As I say, I was completely unaware of this until about two or three years ago, or I might have slept a lot easier through the various Roach incarnations.

FC: *It appears that you weren't overly concerned about the counterfeit* Cerebus *1s that surfaced in 1982 (though Deni admits in* Cerebus *63 to being angry). Did you ever feel like you'd been stolen from? Have your thoughts changed about any of this twenty-two years later?*

DS: In one sence I "felt" that I had been stolen from, but in another sense it raised *Cerebus'* profile in the field. It was really the first international *Cerebus* story. In those pre-Internet days, it amazed all of us how quickly word spread: in twenty-four hours or less the entire comic book community knew that there were counterfeit *Cerebus* 1s being circulated. And it also, for the first time, publicly red-flagged *Cerebus* 1 as a genuine comic-book artifact of value: this was long before it appeared in the *Overstreet Price Guide.* And obviously, you only counterfeit big-ticket items. The biggest concern I had earlier on was the quality of the counterfeits, since the verbal description matched the authentic #1 one hundred percent: I had gotten an early phone call asking me to describe a *Cerebus* 1 to a retailer over the phone, because he had been offered one for sale. It took several days for me to get one of them in the mail,

*Geet-a by Sim (*Cerebus *19; 1980); Ghita (from* 1984 *#7; 1979) by Frank Thorne*

knees" quality when a self-publisher crosses into the mainstream, which I tend to find untenable, and which I never got from Jim Shooter or Archie Goodwin or Dick Giordano when I would seek out work or have preliminary discussions—but which I did get from Mike Richardson when I agreed to write an introduction for one of Bob Burden's *Flaming Carrot* volumes.

In the personal end of things, I would imagine that most people at Marvel just saw me as the class cut-up, pulling the lion's whiskers, and that most of them were just waiting for me to get eaten alive or for some other disastrous fate to befall me. There's nothing worse than seeing someone getting away with something when you're playing it safe. You'd have to ask them. That's all a long time ago. It's hard to explain to people how much smaller the field was back then. There was Marvel and DC and *Cerebus* and *Elfquest*. Dave Sim and Wendy and Richard Pini were the class weirdos. The field has gotten so much bigger, I would be surprised if anyone at Marvel or DC today—who wasn't around

and then there was a great relief, because the red on the cover didn't match—the counterfeit was practically pink—the inside front cover was glossy instead of flat black, and the staples were a different colour. If I could tell the difference that easily and explain it to others that easily—which I could—then I could protect the integrity of the artifact of what would come to be known as the "Dave Sim file copies" and the overall artifact value of *Cerebus* 1. But I was definitely taking a long-term view on it, which I don't think Deni was. We sold 2,000 copies of *Cerebus* 1 for sixty cents each, but I was able to auction one of the ten mint copies I hung onto to benefit ACTOR for a little over $10,000. That, to me, is taking the long-term view. In the *longest* term view, it's not outside the realm of possibility that a hundred years from now, you'll be able to drop a *Cerebus* 1—or any other comic book—into your photocopier and pull out a perfect facsimile from the other end. Of course by then carbon-dating will have become so finely attuned that newsprint and coated stock from 1977 will be selling at a premium price for exactly that reason.

FC: *Did the Wolverroach controversy have any lasting impact, positively or negatively, with your relationship with the company or their artists and writers?*

DS: Mm. I wouldn't say so. When there was a danger of Deni draining our joint bank account after we separated, and I phoned Jim Shooter to see if I could get any immediate paying work, he offered me the portfolio in *Marvel Fanfare* right away and, as far as I recall, had a cheque cut for me before I even submitted the work. But that was Jim Shooter, and that was business. All that really interests any editor or any publisher worth his or her salt is your commercial attributes. Can you deliver the work on time, is it marketable, and do you take instruction? There is—or at least was—a certain undercurrent of "so you've come crawling to us on your hands and

"Frank Thorne was very enthusiastic about the Red Sophia and Geet-a parodies."

*Red Sophia by Sim (*Cerebus *73; 1985);* Red Sonja *1 (1977) by Thorne*

"Superduperman" from MAD *4 (1953). Script by Harvey Kurtzman; art by Wally Wood.*

time. I think he singled me out for a little more than an average amount of attention because I had done an interview with him for *CANAR* back when he was working on *Korak, Son of Tarzan* at DC in the pre-*Sonja* days. He was always seen as the poor man's Joe Kubert, so I think he appreciated my level of interest and, certainly, I took a lot of inspiration back in 1978-79 from the fact that an artist who had been seen as a second-stringer and an also-ran could suddenly have a hit after years of being a marginal figure in the field. *[Laughs]* It never happened for me, but it did help to keep me going that it was at least *possible.*

back in the olden days—has even heard of *Cerebus.* That being the case, we get along just fine.

FC: *Neil Gaiman recently praised your* Sandman *parody on his website. Have you gotten any other reaction, positive or negative, regarding your other parodies?*

DS: Oh, a number of them. Frank Thorne was very enthusiastic about the Red Sophia and Geet-a parodies, which meant a great deal to me, because he was such a huge success at the time with *Red Sonja.* Just completely over-the-top in sending me colour sketches and fan letters. I can't even imagine how much mail he must have been getting at the

"People ask me if it bothers me that the Tick seems so much like the Roach."

When I told Gene Day over the phone that I was making him and Danny into a brunette and a blonde Yosemite Sam, without missing a beat, he said, "Mah *he*-ro." Chris Claremont was very good-natured about Charles X. Claremont ("Is there any reason this character can't be a woman?"). Bill Marx wanted me to let him use his parody character in his Vortex Comics, which I refused him permission to do, but that was a "very Bill" reaction to what was a very critical parody.

I guess the strangest one was sitting with Rick Veitch at Susan Alston's kitchen table while he lettered his own parody dialogue from my hand-written dialogue. He kept laughing and saying "Why am I doing this? *Why* am I doing this?" He was using the same lettering pen he's used since the Kubert School. That boggled my mind. Crusty, ravaged old thing. The pen, I mean.

The best ones were when people would get me back—when Eddie Campbell included me in the King Canute tavern group post-186. And Greg Hyland, after I had done him as the proprietor of

"Stuporman" from Not Brand Echh *7 (1968). Script by Roy Thomas; art by Marie Severin.*

the Action Figures Pub—I actually went all the way to Toronto and asked him to meet me at a pub around the corner from the Beguiling so I could do some sketches of him. Serendipity being what it is, he had just been to his grandmother's funeral and had had all of his hair cut off, so it had that real Cirinist haircut kind of look to it. And I drew him Mort Drucker-style: he's a stocky little guy, so that demands a certain kind of outline in the Mort Drucker universe. In the next issue of *Lethargic Lad* he did this panel of me looking the size of a hippo. "Gee Dave, how did you get so *fat*?" someone asks me. "Actually, I'm just the victim of an unflattering caricature," I reply. Shannon Wheeler—I heard indirectly—was, as the English say, reet chuffed to have Too Much Coffee Man included in *Cerebus.* Those are the ones that stand out in my mind.

Mort Drucker shows 'em how it's done in his Star Trek *parody ("Star Blecch") for* MAD *115 (1967).*

FC: *What would you consider to be the best parodies, either in or out of comics?*

DS: Kurtzman and Wally Wood's "Superduperman" would have to be at the top of the list. People ask me if it bothers me that the Tick seems so much like the Roach. Listen, neither of them would've existed without "Superduperman." To be able to see for the first time exactly the level of exaggeration necessary, my hat is off to Wally Wood.

Years later I thought Roy Thomas and Marie Severin hit the same high watermark with their Superman parody in *Not Brand Ecch.* "Look there, Stupor-rhino." "Look where, Stupor-horse?"

I remember the first few times having lunch with Seth, Chester Brown, and Joe Matt, and trying to find common areas of interest. I'd always think they were kidding when they would all be enthusing about some cartoonist I just don't rate very highly, like John Stanley or Harold Gray, and then I'd bring up something like Sienkiewicz's *Stray Toasters* and they'd think I was the one who was kidding. One time I mentioned Mort Drucker, and that was very strange, because we all ranked Mort Drucker very highly. I think he's still the only cartoonist in that category. We all remembered the first "Star Trek" parody that he did. I reread it a while ago, and it still holds up very well. "It's no Whip'n'Chill, but it does have a very nice flavour."

The Rutles I thought was awfully good. Don Simpson's *Megaton Man. The Incredibles* had a number of very good moments, particularly when he dents the roof of the car and then can't close the door; that was probably the most perfect incarnation of "Superduperman" to date. The "101 Dalmations" parody on *The Simpsons* ("See my slippers? Tiny gophers/Was either that or skin my chauffeurs/Be My Vest, Be My Vest, Be My Vest").

Robin Williams' work as the genie in *Aladdin*—great stream of consciousness parody and mimicry. I thought the Robert DeNiro shark and the Martin Scorcese blowfish in *Shark's Tale* were worth the price of admission. That starts getting into another area where you have a "cartoonized" version of someone, which is not actually a parody, *per se.* The Dom deLuise crow in "Secret of Nimh." Great merging of the cartoon art and Dom deLuise's stage persona. The Gilbert Gottlieb parrot in *Aladdin.*

"We all rank Mort Drucker very highly."

FC: *What was the industry and fan reaction to your work in* Spawn *10? We don't recall hearing much.*

DS: Actually, there was quite a bit for someone who spends as much time being ignored as I do. A lot of people still mention it to me as either the first place or the only place they've read *Cerebus,* or that it was the only issue of *Spawn* they ever read or the only issue of *Spawn* they thought was any good. If you read an issue of *Spawn,* you're going to know pretty quickly whether it's your kind of thing or not, and it doesn't appear to have been most *Cerebus* fans' cup of tea. It actually won the *Wizard Award* for "Best Story" that year. Todd sent me the little nomination plaque stand-up and told me he was keeping the award itself. I have no problem with that. I'm sure it took him a lot longer to draw the story than it took me to write it. Still, it was gratifying that Alan Moore, Neil Gaiman, and Frank Miller all wrote guest issues, and mine was the one that won "Best Story." Sort of makes up for all the Eisner and Harvey Awards I got beaten out on.

The Controversy Over Copyrights

Cerebus 300 reproduces a letter Dave Sim wrote to his lawyer that includes this sentence: "We've already accomplished the relatively easy part of formalizing that *Cerebus*, as an intellectual property, will enter the public domain at the passing from this mortal coil of Ger and myself and that Preney Press & Litho will be the custodians of the negatives for the entire *Cerebus* storyline, copies of which they will provide to any publisher interested in printing his or her own edition of any of the separate trade paperbacks or the 6,000 page story in toto."

As noted in our inside front cover editorial, we thought Sim's announcement deserved some discussion in this issue of *Following Cerebus*, being (what started out as) the Copyright and Parody Issue. A nice sidebar might be a 2002 column distributed by UPI in which Joe Bob Briggs railed against the Sonny Bono Copyright Term Extension Act that had the effect of locking up some 400,000 works of art that were scheduled to pass into the public domain soon. You probably heard about the controversy. Walt Disney Productions was apoplectic that the copyright on early Mickey Mouse cartoons (such as "Steamboat Willie") from the late twenties was about to expire, thus (they argued) turning Mickey Mouse himself into a public domain character.

Disney spoke, and—not surprisingly—Congress listened. The Sonny Bono Act delayed copyright extensions another twenty years for everything published between 1923 and 1943.

We received permission to reprint the JBB column and decided to solicit the opinions of various writers and artists—either about the column, Sim's decision regarding *Cerebus*, or some other copyright related issue. On the pages that follow, readers will see what we obtained.

It eventually became apparent that the topic was much more complicated than we'd imagined. Five particular controversies came to mind. There is no way to provide full details into all of them—the feature would consume this entire issue, if not an entire book—but we'll note them here just for the record. We are not lawyers, legal scholars, or anything of the sort, but we invite readers with such expertise to chime in for inclusion in a later issue:

Superman Versus Captain Marvel

In this early and famous battle, DC Comics (then called National Periodical Publications) charged that Fawcett's Captain Marvel (who, of course, was the superhero incarnation of Billy Batson whenever the youngster yelled "Shazam") unfairly copied Superman. Joe Brancatelli puts the legal battle succinctly in Maurice Horn's *The World Encyclopedia of Comics* (Chelsea House Publishers, 1999, second edition): "[Captain Marvel's] downfall came primarily from a long, oppressive lawsuit....The features [Superman and Captain Marvel] showed circumstantial similarities, Fawcett readily admitted, but they claimed the heroes were both unique. But after several time-consuming trials and National's dogged determination...Fawcett decided not to continue the costly defense. They voluntarily killed not only Captain Marvel, but the complete Fawcett comics line." (p. 183)

DC ended up with the rights to Captain Marvel, but they did nothing with the character, allowing Marvel to enter in December 1967 with their own Captain Marvel (slyly spelled Mar-Vell at various times) in *Marvel Superheroes* 12. After two issues (nicely produced by Stan Lee, Roy Thomas, and Gene Colan), the character got his own book. It went through several incarnations, though some wonderful stints by Colan, Gil Kane, and Jim Starlin make the series fondly remembered. (Several revival attempts have since occurred.) When DC decided to return their own Captain Marvel to publication in 1973, they were forced to call the comic *Shazam!*, as by then—in perhaps some poetic justice—Marvel had locked up the trademark on the name Captain Marvel because of DC's lack of use.

Howard the Duck Versus Donald Duck

Because of Howard's influence on the early issues of *Cerebus*, we reported on this in *Cerebus Companion* 1. Here's what we wrote:

Almost as soon as Howard received his own comic book, the lawyers descended upon him. In 1977, Walt Disney Productions—long known to keep their legal staff busy by suing practically anything that moves—swooped into action. Howard, they claimed, simply bore too much resemblance to Donald Duck and might confuse the public with the similarities. There was no way that Marvel would be able to finance a prolonged court battle with Disney; as Sim suggests in his [*Cerebus Companion* 1] interview, Disney would simply prolong with case until Marvel was broke.

By 1980, an agreement was spelled out. The original design of Howard would be replaced with an oval-shaped head, smaller eyes, heavier eyebrows, toes, yellowish feathers, and a shorter, thicker, upturned bill. Also, his overall build would be shorter and squatter. Finally, he would have to begin wearing *pants*.

It turned out not to matter much, since, by the time the agreement was finalized, the color comic had been cancelled, and the black-and-white magazine was about to be. Its final issue was #9 (March

1981). When the 1986 film came out, Howard's design was a combination of the old and new: he wore pants, but his feathers were white, and his bill was thin again!

But Howard's legal troubles weren't over after the Disney settlement. In 1978, Steve Gerber was fired from Marvel. In August 1980, he sued Marvel, claiming that he owned the Howard the Duck character.

According to a report in *The Comics Journal* 62 (March 1981), Gerber claimed that Marvel only had the copyright of the particular comic book stories of Howard that they published, but that any appearances of Howard in other media without Gerber's consent and compensation constituted copyright infringement. At the time, a Howard radio show was in production.

Gerber further claimed that Marvel should relinquish its claim to Howard. His suit asked for over a million dollars in compensatory and punitive damages.

Marvel maintained that the dispute was contractual, not about copyrights, and therefore the Federal Court had no jurisdiction. An early ruling in January 1981 threw out Marvel's motion to have the complaint dismissed on those grounds.

In 1982, two comics projects were produced to help fund Gerber's suit. One was the "F.O.O.G." (Friends Of Old Gerber) portfolio (a play on Marvel's fan club called FOOM), with artwork by Jack Kirby, Alfredo Alcala, Barry Windsor-Smith, Jeff Jones, Charles Vess, Frank Thorne, Berni Wrightson, Michael Kaluta, Marshall Rogers, and three plates by Dave Sim: Cerebus and Destroyer Duck; "Elf and Frost Giant" (inks over Wendy Pini pencils); and "Stewart the Rat" (inks over Gene Colan pencils).

Eclipse published *Destroyer Duck* beginning that year. All of the participants donated their work, with all of the publisher's profits going toward Gerber's legal expenses. Work was contributed by Gerber (of course), Kirby, Alcala, Mark Evanier, Dan Spiegle, Shary Flenniken, Martin Pasko, Joe Staton, Scott Shaw, Aragonés, and others. The comic was successful enough to continue for seven issues.

Nothing was heard from the suit until around the time the movie came out in 1986. In *Comics Interview* 38, Gerber was asked about the settlement:

***Dwight Jon Zimmerman**: As lawsuits are wont to do, the thing dragged on for what seemed like an incredibly long period of time, and suddenly there's, like, this little announcement that says the lawsuit's settled, and we can't talk about it anymore. Well, it struck me as strange, Steve, because you kind of got on a moral high horse....*

***Gerber**: ...The fact of the matter is that Marvel requested that the settlement be confidential. I am perfectly willing to talk about it any time Marvel says it doesn't have to be confidential anymore....But at their request it was a condition of being able to settle the suit. I had to agree to that.*

Now, I will tell you this—because this is a question the fans have asked me; they wonder whether I sold out or not, you know—and that's a very reasonable question....You don't file lawsuits to win moral victories most of the time. You file them to win legal victories. And as far as I'm concerned, we did.

Above: the "Superduperman" story from MAD 4 *(1953) pokes fun at the Superman/Captain Marvel lawsuit (art by Wally Wood). Left: Marvel's hero in 1967 (art by Gene Colan).*

Cerebus Versus Cerebus

This, too, we reported in *Cerebus Companion* 1:

In April 1982, a number of comic book stores around the country were approached by individuals offering to sell quantities of *Cerebus* 1. At the time, the retail price for a mint copy of the book was anywhere from seventy-five to one hundred fifty dollars. (It was not listed in the *Overstreet Price Guide* at that time, so prices varied wildly.) *Cerebus* was gaining in popularity, and, because there were only two thousand of the original editions printed, the book was becoming difficult to find, and many stores were interested in stocking the issue. Of course, with only two thousand copies printed, it was impossible for boxes of this issue to suddenly "turn up." And indeed, these new copies turned out to be counterfeits.

We recently spoke with Tom Skulan, owner of FantaCo in Albany, New York. FantaCo was one of the stores that got hit by the counterfeiters a decade ago.

"These two people came into our retail store and wanted to sell copies of *Cerebus* #1, and they brought with them two or three copies, so there

wasn't anything bizarre about it at that point. They told me that if I took *all* the copies that they had—they didn't tell me what that meant—then I could get them for less. Thirty-eight dollars was their initial price, but I wasn't interested at that price.

"They said, 'Why don't we step outside and see what we can come up with.' They ended up taking me out to lunch. They wove this incredible tale. Large hordes of books, and large collections, are usually generated under unusual circumstances. So the tale they were telling me—and obviously it was a lie, I would later realize—it still didn't seem that unusual. Now at this point of the conversation they were saying that they had forty-odd copies of the book. Some of my numbers might be off a little bit, but I ended up buying all of the copies they said they had, and I got them for eighteen or twenty dollars a copy.

"Then we put up some copies for sale in the store for something like fifty dollars (although we didn't end up selling any of the books as originals, fortunately). I immediately wanted to try to check out the sellers' story. I called Dave Sim and asked him about the books. He seemed completely unconcerned about it. I described to him what this book looked like, and that I had had number ones in the past. The thing that struck all of us in the store about this book was the smell—these books *stunk*. They smelled of fresh ink, big-time. So I asked him about it. He didn't seem to think it was anything. I couldn't get much information from him one way or the other.

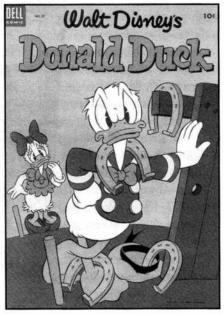
"I then called a shop that I thought could have been on the route to where the sellers might be going next. And as it turned out, I was right. The guy said they had just bought ten copies of *Cerebus* 1 at thirty-five dollars each. At that point, I realized, while it didn't prove they were counterfeit, there was something going on. The sellers told me that *I* bought all of them. Something was very weird.

"I then got a phone call from someone—I can't remember who, it's been so long. He was a major advertiser in the *Buyer's Guide* at the time. And this person had been approached to purchase one hundred copies at thirty-two dollars each. This person told me that he *knew* the books were counterfeit, and that he knew these people were going around the country selling them.

"At this point we entered the 'frustration and then give up' phase. I called Dave Sim back to give him the information that I had gotten, and that they are counterfeits, and again—it wasn't like, 'Go away,' or 'You're wrong,' but it was just sort of like, 'Okay. Thanks for calling.' It's hard to describe. There was just no reaction one way or the other.

"The frustration level got really high. We immediately lowered the price to cost in the store and labeled them as counterfeits and printed up a form that people had to sign when they bought it stating that they knew it was a counterfeit. In fact, I believe the last copy was sold last year, and everyone had to fill out a form when they bought them from us saying, 'This is counterfeit. I know this is counterfeit. I am freely giving you my money for a book that is absolutely, totally counterfeit, not original, and not a book that's listed in any price guide anywhere,' which, in the beginning, it wasn't. So people who bought it knew what they were getting.

"After the second call to Dave Sim, I started calling around. I called the *Buyer's Guide*. They had absolutely no interest in it at all. I said, 'Counterfeit *Cerebus* books are being sold all over the east coast. We just lost eight hundred bucks.' Nothing. This wasn't like Dave Sim's phone call. This was like, 'Not interested. No, we're not interested at all.' So all of this time that we tried to get this information out, I later found out these people apparently are traveling to California, they're selling copies in the mid-west, in the south. I don't even know how many copies were sold; it must have been astronomical. The *Buyer's Guide* really amazed me. I said, 'If this thing's a scam, if these people are going around, you can save some stores some money.' But still absolutely no interest on their part.

"We contacted the *Comics Journal*. They didn't blow us off; it was like, 'We'll check around and see if we can find anything else.' That was their atti-

Howard and Donald: can you tell the difference? Disney worried that you couldn't.

tude. There was another comics magazine at the time with a smaller circulation that also had no interest whatsoever in the story.

"I remember taking at least two days and calling every store I could to alert them. It appeared to me that no one was going to do anything.

"A while later—it could have been a few weeks, it could have been a couple of months—we were absolutely amazed to see this article run in *CBG*. Somebody on the west coast had purchased counterfeit copies and said that he was going to warn all the other stores about this! It was unbelievable. Don't get me wrong—we weren't after 'credit.' It was just frustrating: 'Wait a minute—we called *CBG* a month ago.' We could have stopped—again, pick a number—certainly you're talking about hundreds of thousands of dollars being wasted.

"Long after that, the *Journal* printed an article, but the thing had been well over. [The *Journal* article appears in issue 73, July 1982.]

"Can I tell you that we were the first place they went to? No. I have no way of verifying that. I doubt it's true. But I can tell you from the sheer number of people I talked to at the time, and also from the way the sellers themselves spoke, that we were definitely very, very, *very* early on the list. Because there were certain techniques they developed later in the game that they didn't use with us."

At this point, you may be frantically scrambling to pull out your *Cerebus* 1 to see if it is an original. There are a number of differences between the two versions, but the *easiest* way to tell is to look at the inside covers. They are dull on the original copies and glossy on the counterfeits. Also, within the story the solid blacks are washed out on the counterfeits. This is particularly evident on the pages where Cerebus fights a skeleton. And of course if you have a copy signed by Dave, it is an original; he does not sign the counterfeit copies.

Additional information about the counterfeit *Cerebus* can be obtained in the "Note from the Publisher" editorials in *Cerebus* 38, 41, and 63, and the aforementioned *The Comics Journal* article in #73. In *Cerebus* 38 (May 1982), Dave and Deni Sim reveal that they have just learned about the scam. The *CJ* 73 (July 1982) article discusses the difficulty in prosecuting the sellers: "While selling a counterfeit copy to a dealer could constitute fraud, it is not a crime on the seller's part if he is not aware of the counterfeit nature of the magazine—something very difficult to prove." But what about the copyright violation? "Deni Sim...explained that she and...Dave simply don't have the money to pursue a case, especially since the Sims' lawyer explained to them that copyright violation penalties are usually small."

In *Cerebus* 41 (September 1982), Deni writes that Aardvark-Vanaheim is offering one thousand dollars for information leading to the arrest and conviction of the guilty party. "We have been approached by an American copyright lawyer who told us some things concerning U.S. copyright laws that we were not aware of."

The final report comes in *Cerebus* 63 (June 1984). Deni writes, "At the Canadian Periodical Publishers Association's...meeting..., I learned a lot about copyright....My anger at previous infractions was raised again when I found out that we could have pressed suit concerning the illegal *Cerebus* No. 1's. The penalty involved, since this is an international offense, is **20 years!**...If we get far enough in this to bring the offenders to court, I'll be happy to let you know."

Harlan Ellison Versus AOL

Though not specifically comic book related, this fight has ramifications that could affect all copyrighted material. In April 2000, Harlan filed suit in Federal District Court against Stephen Robertson, America Online, Inc., RemarQ Communities, Inc., Critical Path, Inc., Citizen 513, and Does 1-10, contending that a newsgroup had posted his copyrighted stories without his permission. Robertson, the original poster, settled with Ellison almost immediately. The real battle occurred when the Internet Service Providers claimed they were not responsible for the illegal content. They apparently assumed that it was a nuisance case and that Ellison would go away quietly if ignored. Obviously they didn't know Ellison.

Four years later, on June 8, Ellison and AOL settled. Details were not announced, but Ellison said, "I would not have settled this case if I were not sure that AOL is doing what it can do to fight online piracy."

For more details about the case, go to Ellison's Web site (harlanellision.com).

Todd McFarlane Versus Neil Gaiman

Alan Moore and Garry Leach created Marvelman for *Warrior* magazine in the U.K. in 1982. A modern updating of the beloved fifties series (obviously inspired by Captain Marvel), the new version became extremely popular. In 1985 Eclipse Comics began reprinting the stories in color, also to wide acclaim. The series ended after twenty-four issues, with new stories written by Neil Gaiman. The character's name changed to Miracleman in the Eclipse editions because of complaints from Marvel Comics, thus souring Moore on ever working for Marvel.

When Eclipse went bankrupt, Todd McFarlane bought the assets—which did not include publishing rights, but only tangible property. Eventually he transferred this to Gaiman, but soon afterward filed for a trademark on the name. Gaiman sued, and the controversy is still mired amongst the lawyers. (See Sim's comments about it in this issue's interview.)

Unexpectedly Complicated

Clearly covering copyright in some detail—even the issues that immediately came to mind related to Sim's announcement—would be a far more daunting task than we'd imagined, let alone the topics *Cerebus* parodies (which was supposed to be in this issue but got short shrift because of all the other material). Sim entered into the fray—perhaps knowingly, perhaps unwittingly—of an ongoing debate about copyright that has been exacerbated by the rise of the Internet and the ease with which copyrighted material can be widely distributed at virtually no cost.

Charles C. Mann has an excellent cover story in the September 1998 issue of *The Atlantic Monthly* delineating many of these controversies and providing some historical context. The larger struggle is whether writers (and other copyright owners) need even more protection, or—as Briggs notes in his column—this amounts essentially to a return to the old European system of monopolistic guilds controlling the distribution of material practically forever. Some—generally on the more libertarian side—argue that the reality of the Internet has made hardline controls practically impossible, and that in the end the free flow of information has a greater benefit to arts and society than the policing required to clamp down on illegal activity. Mann writes, "Led by a small but surprisingly influential cadre of libertarian futurists, anti-copyrightists believe that the increased ease of copying effectively obviates the (c) symbol and all it entails. 'Information wants to be free' —a phrase apparently coined by the writer Stewart Brand—is the apothegm of choice here."

This is not, by the way, what Briggs argues for in his column—a fact some respondents seemed to miss. His call to "give 'em up" —the copyrighted works from eighty-some years ago—is a call to the "corporation[s] that never die," not to the present day working writers who need to make a living.

But Briggs and Mann do seem to agree about the Founding Fathers. Mann writes, "In this country copyright was set up by a group of skeptics about copyright. The Founders knew how copyright had originated in Britain, and they didn't like it." They detested the guild format there, though they also recognized the dangers of eliminating copyright protection all together. While monopolies were generally "among the greatest nuisances in Government," Mann quotes James Madison as saying, copyright was "too valuable to be wholly renounced." Jefferson basically agreed that copyright was "a small evil done to accomplish a larger good" (p. 68), and thus Congress instituted a fourteen-year copyright with the option of renewing for another fourteen years. (The right itself is in Article I, Section 8 of the Constitution, though no specific time frame is mentioned—merely that it will be for "limited Times").

Mann relates an interesting story about France in the late eighteenth century, which experimented with eliminating all copyright laws. Everything was available for anyone to print. Suddenly great works of literature would be everywhere, right? Actually, no; the exact opposite occurred. "Serious books, which have ever taken longer to sell, were especially vulnerable to piracy, and publishers stopped issuing them. Instead, they produced gossipy, libelous pamphlets, which flew off the shelves before anyone could counterfeit them. As for the great texts of the Enlightenment, [University of California at Berkeley historian Carla] Hesse writes, 'once legalized and freed for all to copy and sell,' they 'fell out of print.'" (p. 74)

This echoes something that Ellison wrote in a Kick Internet Piracy press release from 2001: that if the thinking prevails that all work should be allowed onto the Internet without payment to the professional writers who need money to continue working (as does every other person), "then what we're looking at is the egregious inevitability of no one but amateurs getting their work exposed, while those who produce the bulk of all professional-level art find they cannot make a decent living."

The France experience provides some historical evidence to Ellison's claim, a claim that is often heard as Internet bloggers—writers who often have no official journalistic or literary training—are becoming more dominant as sources of information. The cries from the traditional news sources are loud and hyperbolic, as would be expected. But there's always been a theory that great art will be produced independent of concern about the bottom line—and that in fact too great a concern about the bottom line subverts the whole idea of producing great art. When the *New York Times* publishes faked news stories by Jayson Blair, or CBS News utilizes plagiarized documents in an attempt to damage President Bush's re-election campaign, the Old Media have a difficult time universally attacking "unprofessional" bloggers with credibility.

The debate about who owns what for how long has been going on for centuries, and undoubtedly it will continue to go on, with or without an Internet. Dave Sim has proposed one option for *Cerebus*. He's not demanding a law forcing everyone else to do it (though he may think that other authors would be wise to follow his lead), but he believes that for him, it's the wisest choice.

And now, let the debate begin on the following pages!

—CM/JT

Copyright Is Copywrong
by Joe Bob Briggs

Whoever turned "copy right" into one word had to be a lawyer. We don't say "freespeechright" or "gunright" or "assemblyright" or "religionright."

As a result, ninety-nine percent of the public thinks that a copyright is some kind of formal legal document. They think you have to go get it, or protect it, or defend it, or preserve it, or buy it, or hire a lawyer to make sure you have it.

On the contrary, it's simply a *right*, like all our other rights, and it goes like this:

Whoever creates something that has never been created before has the exclusive right to copy it.

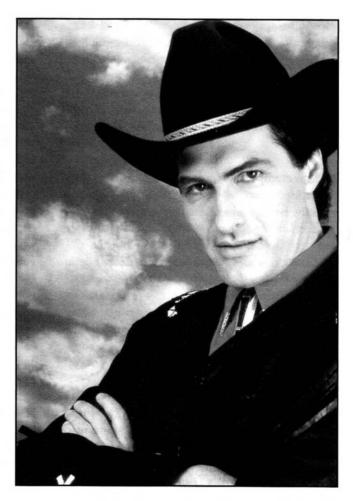
It's not the person who registers it with the Library of Congress. It's the person who *does it first*. Just the act of creation makes the right kick in.

Unlike other rights, though, this one is transferable. You can sell your copyright, license your copyright, or give your copyright away. What's most often done is that you let a big company—say, a book publisher—use the copyright for a specific period of time, in return for money, and at the end of that period the right reverts back to you.

One other difference: this is a right with a specific term. The Founding Fathers wanted that term to be fourteen years, with an additional fourteen years if the author were still alive. After twenty-eight years, they figured you'd had your chance to exploit your creation, and now it belonged to the nation at large. That way we would never end up with a system of hereditary privilege, similar to the printers guilds of Renaissance England, who tied up rights to dead authors and tightly controlled what could or could not be printed and who could or could not use literary material.

In America, land of free ideas as well as free people, this would never happen, they said.

Well, it's happened. It's happened because for years now Congress has allowed it to happen. We now have an exact replica of the medieval Stationers' Company, which controlled the English copyrights, only its names today are Disney, Bertelsmann and AOL Time Warner. The big media companies, holding the copyrights of dead authors, have said, in effect, that Jefferson, Madison and Hamilton were wrong and that we should go back to the aristocratic system of hereditary ownership, granting copyrights in perpetuity. To effect this result, they've liberally greased the palms of Congressmen in the form of campaign contributions—and it's worked.

In the name of Mickey Mouse and other American icons, we have gradually lengthened that fourteen-year limit on copyrights. At one time it was as much as ninety-nine years, then scaled back to seventy-five years, then—in one of the most anti-American acts of the last century—suspended entirely in 1998. The Sonny Bono Copyright Term Extension Act of that year says simply that there will be no copyright expirations for twenty years, meaning that everything published between 1923 and 1943 will NOT be released into the public domain. Presumably they'll take up the matter again in 2018 and decide whether any of these books, movies or songs are ever set free. There are 400,000 of them.

What's especially hypocritical about this law is that many of the works produced in this period, such as *The Wizard of Oz*, are based on works from previous centuries that are already in the public domain. It's as though Congress is saying that it would be wrong for the heirs of the Brothers Grimm to own a perpetual copyright to "Snow White and the Seven Dwarves," because it belongs to all people, but Walt Disney's version of it is so sacrosanct it should earn money forever. Besides, if he really *is* cryogenically preserved, he'll need those royalties when he comes back to visit. (And this was a man who stole from everybody.)

I don't think it's hard to see who was greasing the skids to get a law passed that seems unconstitutional on its face. With 1923 as the cutoff date, all sound movies are protected for another twenty years. All pre-war Broadway musicals are protected. All swing-era music is protected. Even the song "God Bless America" falls into this period, so I hope you

people are sending in your residuals.

Fortunately, the Supreme Court has agreed to rule on a case challenging the Bono Act. It was brought by Eric Eldred of Derry, New Hampshire, who started a website for his teenage daughters in which he published online versions of classic literary texts—a site that eventually became a destination for students around the world and received a commendation from the National Endowment for the Humanities. That all changed on October 7, 1998, when the Bono Act was passed.

Congress apparently looked at the whole controversy as a property-rights issue. It's not. It's a free speech issue.

The Constitution is quite clear on the matter. It says copyrights are to be granted for "limited times." I don't know any definition of "limited" that would mean seventy-five years plus a twenty-year extension plus the chance of getting another extension later. The whole issue was argued three centuries ago, and it was established as a principle of democracy that, when the author is dead, his work becomes the property of all. This was modified slightly to allow the first generation after his death to continue to collect royalties, presumably to protect widows and children. But that's all that was intended. There was no argument ever made for a third or fourth generation royalty, much less a perpetual assignment of royalties to a corporation that never dies.

The reason it's important is this:

Publishers are in the business of expanding capital. The writers who supply them are in the business of expanding civilization itself.

Tools for expanding capital are available in many forms. Tools for expanding civilization, on the other hand, are a limited commodity. They're resident in the books of Hemingway and Faulkner, the movies of Disney and Capra, and the songs of Kern and Berlin.

Give 'em up. We need 'em. We've got work to do.

It's not just the right thing to do. It's a right.

The Responses

HARLAN ELLISON™

Harlan Ellison is one of the most acclaimed writers of the past half-century. In 2000, having learned that some of his copyrighted works were appearing, unauthorized, on the Internet, he sued everyone involved, from the original posters to the Internet Service Providers, including AOL. Though the cases have been resolved, his February 22, 2001 press release announcing the formation of KICK Internet Piracy (to collect funds to prepare for the costly court battles ahead) is still timely in addressing the problem of copyright infringement and the Internet. For more information, go to harlanellison.com.

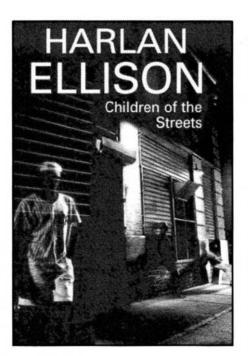
For the past ten months my attorney, M. Christine Valada, and I have been hip-deep fighting a legal battle, what we think is an extremely important case: to protect writers' creative properties. We filed a lawsuit against [Stephen Robertson, America Online, Inc., RemarQ Communities, Inc., Critical Path, Inc., Citizen 513, and Does 1-10] to stop them from posting my works on the Internet without permission. This is copyright infringement. Rampant. Out of control. Pandemic.

AOL, RemarQ/Critical Path and a host of self-serving individuals seem to think that they can al-

low the dissemination of writers' work on the Internet without authorization, and without payment, under the banner of "fair use" or the idiot slogan "information must be free." A writer's work is not information: it is our creative property, our livelihood and our families' annuity. Why should any artist, of any kind, continue creating new work, eking out an existence in pursuit of a career, following the muse, when little Intenet thieves, rodents without ethic or understanding, steal and steal and steal, conveniencing themselves and "screw the author"? What we're looking at is the death of the professional writer!

This is not only *my* fight, I'm not the only one whose work is being pirated. Hundreds of writers' stories, entire books, the work of a lifetime, everyone from Isaac Asimov to Roger Zelazny: their work has been thrown onto the Web by these smartass vandals who find it an imposition to have to pay for the goods. (But Gawd forbid you try to appropriate something of *theirs*...listen to 'em squeal!) The outcome of this case will affect every writer, editor, photographer, artist, musician, poet, sculptor, actor, book designer, publisher and reader. What we're looking at is the anarchy of ignorant thieves ripping off those who labor for an honest payday, because they conveniently honor the lie that everything should be theirs for the taking.

Look, this is your fight, too. If that demented, self-serving misunderstanding of the word "information" prevails, and every zero-ethic tot who wants everything for nothing, who exists in a time where e-commerce hustlers have convinced him/her that they're entitled to everything for nothing prevails, and they are permitted to believe information must be free, with no differentiation made between raw data and the creative properties that provide all artists of any kind with an annuity, to allow them to continue creating new work, then what we're looking at is the egregious inevitability of no one but amateurs getting their work exposed, while those who produce the bulk of all professional-level art find they cannot make a decent living.

Do not, for an instant, buy into the cultural mythology that all artists are rich. A few are, but most have a hard row to hoe just subsisting, holding down second jobs. Most creators practice their art because they love it. It if were only for the bucks, they'd fare better as dentists, plumbers, or steam fitters. I'm fighting for myself, of course, but I'm also doing this for Avram Davidson, who died broke; for Roger Zelazny, who had to work like a dog till the day he pitched over; and for Gerald Kersh, whose work was reprinted and pirated in sixty-five countries, while he had to borrow money from friends to fight off the cancer. This is your fight too, gang.

Postscript: In a January 19 phone conversation, Ellison provided this update: "We finally won the case, and as promised, we have paid back over $70,000 that was contributed to the KICK fund. We paid back the original amounts contributed, plus $10 per person in earnest money." He also added, "Joe Bob, as clever a lad as he is—and I have no personal animus toward him; I've always liked his program—demonstrates a cultural ignorance in his remarks that parallels those of the people in the electronic frontier society who think that anything they want, they should be able to have for nothing." And as for those who believe that writers and artists should acquire sponsors: "The last time I looked, the doge of Venice was not supporting the writing of weird little fantasy stories by short Jews from Ohio. And if anybody wants to respond to my thing and start a fight with me, I am more than happy to take them on!"

MARK FINN

*Mark Finn is the author of two books of fiction (*Gods New and Used *and* Year of the Hare*) and hundreds of essays on popular culture via his long-running "Finn's Wake" articles, currently housed on RevolutionSF.com. He is currently writing old-time radio scripts for the Violet Crown Radio Players and writing a book about fantasy author Robert E. Howard.*

It's interesting that Dave Sim and Gerhard have decided to declare *Cerebus* a public domain entity upon their deaths. While I commend them on the effort (trying to roll back waves of corporate litigation and lobbyists' money is nothing short of Herculean), I have to wonder if there will be any wives and children in the equation, and whether or not they will take the case to court in order to retain control of Cerebus. Once a person declares a work public domain, it's very difficult to un-declare it. It's a bold step out there, one that I would expect from Sim. In doing this, he's circumventing the three-ring circus that intellectual property, copyrights, and trademarks have turned into.

The current stint for copyright protection on an intellectual property is dependant on when the property was first published. In the case of Cerebus, which was first published in December 1977, and assuming that all of the i's were dotted and t's were crossed, it enjoys ninety-five years of protection. That means that should Sim and Gerhard decide to

do nothing else, Cerebus doesn't become public domain until January, 2073.

This is a new date, most recently added on by the late Sonny Bono in his senatorial capacity. He tacked twenty years onto was what an already more than reasonable time span of proprietary protection. All because of Disney.

Disney is scared to death that their creations will somehow fall into the public domain. They are fierce and rabid about their copyrights. They take Mickey Mouse very seriously. What they are afraid of is this: someone else will make Mickey Mouse cartoons, or Donald Duck comic books, or Pluto toothbrushes, and that rival company will make a fortune that Disney feels is rightfully theirs.

What this ignores is the fact that their corporate identity has become so inextricably linked to Mickey Mouse, it's highly unlikely that anyone would accept a non-Disney Mickey Mouse cartoon. I mean, let's say you were going to buy a new pickup truck, and your two choices were Ford, or this new company, called Tooneriffic (just to pick a dumb name out of a hat). Would you go with the brand-new company and their truck, or would you pick a Ford truck from the people that practically invented trucks?

I know, it's a simple example. But seriously, the brand-name affiliation is so strong with Walt Disney and Mickey Mouse, getting people to break ranks over a new, different Mickey Mouse is pretty unlikely. Clearly, the rat is nothing more than a corporate shill here, albeit one of the most recognized fictional characters on the planet, right after Sherlock Holmes (currently public domain) and Tarzan (also public domain) and Superman (another corporate shill, at least for now).

Of course, in the above examples, you can substitute the name Disney with any other media corporation with entertainment properties; Universal and *Star Trek* would work just as well, and they would (and do) benefit just as much. A more esoteric example is the recent spate of cease-and-desist letters that flew like digital snowflakes across the Internet, launched by Conde Nast, and targeting the people online who maintained any kind of website devoted to the pulp hero *The Shadow*. In particular, they were especially vitriolic against people selling mp3 collections of old radio shows from the 1930s and 1940s, and the guy online who was scanning old pulp covers (again, from the 1930s and 1940s), digitally cleaning them up, and selling them as posters. Their reason was simple: they told the fans that there was a new Shadow movie being negotiated, and these websites not only hurt the movie's chances of getting made by taking money out of the companies' pockets to produce merchandise, but they weren't representing the Shadow in an accepted (signed off by the lawyers) fashion.

From the corporations' side of things, it has little choice but to go after these infringers with threatening letters, at the very least. The companies who don't "police" their trademarks can have them taken away. If Conde Nast *didn't* send out letters, and money was made on these posters and mp3 recordings, a canny judge could rule that by doing nothing, they let the trademark lapse. This happened in the case of Captain Marvel and National Periodicals (the old name for DC comics). DC "acquired" the rights to Fawcett's Captain Marvel after a series of lawsuits, and promptly shelved the character. Years later, Marvel Comics brought out their hero from the planet Kree, Captain Marvel, and guess what? Marvel maintained its rights to the usage of the name, which is why the live-action TV show from the seventies had to be called "Shazam!" instead of Captain Marvel. The moral of this story? Use it or lose it.

Corporations will go after anyone, like fourteen year old middle schoolers, that they think is profiting from their corporate-owned image. Case in point: remember a few years ago, when Warner Brothers sent cease-and-desist letters to all of the young girls out there with Harry Potter websites? WB's problem was with the girls using the officially licensed logos and trademarked images to decorate their websites. Warner Brothers' lawyers more or less backed off, but only after it was determined that all of these fans actually talked to each other and together could call for a boycott of officially licensed merchandise that might actually impact the bottom line.

Nevertheless, this whole issue of copyright protection and infringement is irritating. I personally run up against it in a couple of different ways. As a writer, columnist, and playwright, I would prefer to get paid for my work, one way or the other.

If you want to print/reprint/perform something I created, I absolutely feel that I should be compensated for it. This is as it should be. And if something happens to me, then my wife becomes the owner of my work and should be paid for its use. After all, she stuck by me when I was writing, encouraging me, even performing with me.

How about something a little more long-term, though? Is there anyone here in the audience who does *not* know the author of Tarzan of the Apes? How about the name of the guy who wrote Sherlock Holmes? What about the playwright to wrote Hamlet? Suppose my old time radio troupe, the Violet Crown Radio Players, wants to adapt and perform "A Study in Scarlet." Now, you may be interested to know that there *is* an estate of Arthur Conan Doyle out there. They actively promote and guard against the author's good name being used—or misused, as the case may be. Same thing for the estate of Edgar Rice Burroughs. Even though the Tarzan and John Carter (and other) books are slowly slipping into the public domain, they still maintain that they are a hurdle that must be jumped. Thus, you, sitting down in your chair right now, could publish a copy of *Tarzan of the Apes* and sell it 'til the cows come home.

It's a real Gordian knot. Did anyone currently alive in any of these ongoing estates have anything to do with the creation and/or success of the character? I kinda' doubt it. Burroughs himself made a killing off of Tarzan while he was alive. He got paid for every movie, every licensing deal. He was a really rich man. His family has benefited from his cleverness for decades. So, where's the cut-off?

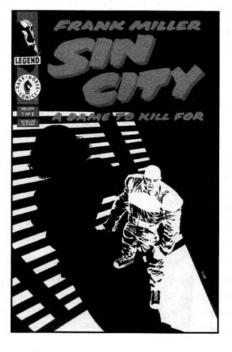
Another example: let's say I'm directing a play and want to use the Harry Warren song "Nagasaki" in my production. Music is an even bigger tangle because of how it has been traditionally handled. Currently, anything after 1929 is still under copyright—songs by the Gershwins, Cole Porter, Irving Berlin, etc. Old, dead composers with no family, no estate, and no way of benefiting from a royalty, are still owed money. And who gets it? Corporations who had nothing to do with the composer. These rights, such as they are, were transferred in leveraged buyouts. Traded like Monopoly money. Forgotten. Let's face it, "Nagasaki" is an old song. It's been recorded, re-recorded, and re-re-recorded for decades. How do you assess a usage fee on something that every Jazz and Tin Pan Alley fan knows by heart?

At this point, the laws surrounding copyright protection are far too draconian. This is separate from trademarking a character or logo, which is the preferred corporate tactic, because it's a lot easier to control. And that's really what this is all about, isn't it? Who gets to control a given property.

I would argue that part of the problem lies in transferring ownership of a character to an entity that has the potential to outlive its creator. When you add corporations into the mix, you have a system whereby characters and likenesses will never revert into the public domain. This is a real strike against our current way of doing things, but unfortunately, it's not even a problem for the majority of the people out there. After all, you can still watch Disney cartoons every single day of the week on Disney's own television channel, so what's the problem with that?

No problem, I guess, if you're a regular consumer. Goofy is alive and well, even if Walt is headless in the deep freeze. But make no mistake, as long as corporations hold the reins on how long various intellectual properties are protected, we may never get a Superman novel that didn't come from Time/Warner/AOL. Fair enough, but that means we'll never get an Alan Moore Superman novel. I guess Supreme works well enough for that, though....

Still, ninety-five years is patently ridiculous. Given how quickly things are discarded in our modern culture, and how often things have to be reinvented, protecting material written in the 1920s and 1930s is intellectually retarded. More lawyers are used protecting things that companies are *gonna* utilize than ever actually *get* utilized. Do you see a new Shadow movie on the horizon anytime soon? I think sixty-five years' worth of protection is more than justified. It's a lifespan for most people. If family members want a piece of the pie, then they can re-edit and republish works right along with the best of them. No one rides for free. Especially the corporations with the huge economic advantage.

To bring this all back to the beginning, Sim and Gerhard did a small, brave thing. They'll let their child go. It's going to take a lot more of these kinds of acts for people maybe to get it and try to work things out differently. Until then, the lawyers will continue to follow the money, and the courts will continue to follow the law, and the Gordian Knot will get pulled tighter and tighter.

FRANK MILLER

Frank Miller created Elektra, Sin City*, and many other acclaimed comic book characters and stories. We recently co-directed the Sin City movie with Robert Rodriguez.*

A quick response:

Joe Bob's argument, while well-prepared, well-written, and no doubt well-intentioned, comes across to this writer as kind of squirrely. The legal ownership of one's own work is an artist's total capital, and, most likely, the only legacy the artist will ever have to pass on to his heirs.

I've sold away creations—hell, even given them away, when I was young and stupid—but I intend to take *Sin City* and my other creations to my grave. And beyond.

STEVE RUDE

Steve Rude has worked for just about every comic book company during the past twenty years and has built a reputation as one of the industry's most accomplished artists. He's probably best known as the co-creator (with Mike Baron) of Nexus in 1982. On December 17, 2004 Craig Miller talked with him about retaining control of Nexus.

Miller: Nexus *has gone from Capital City Comics to First Comics to Dark Horse. Was it a struggle to retain control of the character?*

Rude: One of my five (or so) personal philosophies of life, which represent the utter truth of existence, is, "Life is who you work with." It reaches from the smallest encounter to the biggest, from the guy who works at the filling station who does a good job to the helpful store employee to the editor that I'm working with who can make my life hell, or a wonderful co-production.

In the case of *Nexus*, we met Mike Richardson, and for some reason that I don't really understand, he decided to give the rights back to Mike and me. I couldn't tell you how much of those rights are ours. I'm under the assumption that we completely own the character. If some deal were about to be made, and somebody came up to me and said, "You haven't read this clause here," that wouldn't surprise me at all. Even if I'd read the clause, I would have forgotten about it. That's not what my mind focuses on. But I think it's one hundred percent ours.

CM: *Before* Nexus *went from First to Dark Horse, did First essentially own everything themselves? Did you sign everything away to them originally, and if so did you try to get the rights back?*

SR: I think we signed everything over to First, just like apparently we had signed everything over to Capital. When Mike Richardson bought *Nexus* from First, he then owned it. So it's hard to know how to respond to his altruism in giving the rights back to us, because as we know, they basically don't ever happen. A businessman can't afford to think like that, even a nice guy.

CM: *So did you have any say over the First issues of* Nexus *that you didn't draw? Could First have taken the book away from both of you guys and let, say, Todd McFarlane do it?*

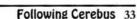
SR: I wouldn't know, legally, what they could have done. But if First had tried to do something crazy like that—well, I just couldn't imagine it. They knew the book was Mike and me. They were devoted to that. They were very unhappy when I decided to go off and do some other things. As far as the other guys who worked on the book, I couldn't have cared less. I divorced myself from that, which was good, because I tend to take control over almost anything that I can. It was better I didn't have the responsibility of saying yes or no to any of the artists they might have brought in. [My wife] Jaynelle put together a 2004 Sketchbook of my work on her own, but she asked me to take a look at it when she was done, and once I got into it, I ended up revamping the entire thing! I wrote an introduction, put captions alongside everything, things like that, because that's what I would want in a sketchbook.

It's not the best way to work, because in my mind, comic books are supposed to come out *every month*. So if I take extra time to get things just the way I want, and an issue gets delayed, people are wondering, "What happened to Steve Rude? How come he can't get a book out every month?" Then my conscience is taking a baseball bat to my head. It doesn't let me get away with anything. Sometimes I wonder what good it does to be like this. I'm a perfectionist in an utterly imperfect world. I never learned the art of just letting things so, and I probably never will, but I'm very happy with Dark Horse.

CM: *So when First Comics started to fade away, did you contact them and say, "Hey guys,* Nexus *should be mine"? Did they even have the ability to turn everything back over to you? Were you nervous about what other publisher might pick up the book and turn it into something strange?*

SR: I believed that the only reason anyone would ever pick up *Nexus* would be so that Steve Rude and Mike Baron would do it.

CM: *Presumably, sure, but crazier things have been done.*

SR: We got very lucky. I don't think I gave a second thought about the future of *Nexus*, even when they were about to cancel it. I knew I would go back to the book some day; we just needed a more sympathetic market. I have great confidence that will happen.

LEE SANDLIN

Lee Sandlin has written extensively for The Chicago Reader, *including a series of memorable columns about television (many reprinted in our own* Spectrum *magazine) and, later, classical music. His acclaimed essay "Saving His Life" will soon be appearing in book form.*

I can't work up any outrage about Disney's claim to own Mickey Mouse for all eternity. This is partly a personal prejudice: I can't stand Mickey (I'm a lifelong Bugs Bunny man) and don't care if he lives out another millennium enslaved to an evil gigantor mega-conglomerate. But also I have to be honest: the real reason I can't knock Disney for being copyright fascists is that they're only doing what most writers I know would do themselves, if only they had access to zillions of dollars and all the lawyers they could buy.

The arts crowd is supposed to be hardcore lefty, but not even the most depraved ultra-capitalist is as obsessed with money and property as your average writer. Put any assortment of freelancers in a room together, and all they'll talk about is how they're getting ripped off. Who owes them, who cheated them, who stole their work, who changed it, who wrecked it: they're like a gathering of saints trying to top each other with their martyrdoms.

You'd think that they're so relentless about this misery because they actually do have to put up with so much crap. T.S. Eliot once said that poetry is "a mug's game," and that's true for any kind of writing. Publications usually treat you shabbily; the money they pay you is chump change; and your heartfelt work invariably goes out in the world and vanishes without a trace. Waiting for the response to something you've published is like dropping a feather into the Grand Canyon and waiting for the echo. So if you become a jerk about royalties and copyright, that's because it's about the only way you have to reclaim a little self-respect.

But then the few writers who actually do get successful—by which I mean big, cosmic, American-superstar successful—ought to become a little more relaxed about their status. Alas, not so: they get even worse. There are famous writers who'd rather not have an audience at all, if it means putting up with the slightest hint of disrespect. A certain enormously successful sci-fi writer recently trademarked his own name, to protect it from being misused by unauthorized people (evidently we must add a reverent TM every time we mention him, so let's call him Tharlan Mellison); he also sued AOL just to make sure that none of his precious copyrighted words would ever appear on the Web without his permission. Sound excessive? Try this: Samuel Beckett, who won the goddamn Nobel Prize for Literature, got so angry at a Dutch theatrical company for tampering with the sacred text of "Waiting for Godot" that he forbid everyone in the entire country of the Netherlands from performing any of his plays ever again. Take that, you impertinent whippersnappers! The Disney Corporation's litigiousness is strictly amateur hour, compared with the grandeur of a dissed writer's spite.

In this situation, Dave Sim seems like the soul of sweet reason, for deciding that Cerebus would go into the public domain immediately after his death. (I should add that this is the only instance I know of where Dave Sim has been reasonable about anything—as his contributions to this magazine unpleasantly demonstrate.) Why keep up this maniacal drive to retain complete ownership of your work? Why not go in the other direction and give up control—even the phantom control you like to think you'll still be able to exert after you've gone? Why not toss Cerebus out into the ocean of folk memory, alongside Paul Bunyan and King Arthur, and see whether he sinks or swims on his own? Isn't that the real test of the quality of your work? I don't know if people are going to want to remember a bad-tempered aardvark who got his start as a lousy parody of Conan the Barbarian—but if they do, then that's a greater tribute to Sim than any lawyer-enforced licensing agreement ever could be.

If I can talk about my experience in this illustrious company: after being a freelance writer for twenty years, all I've learned is how murky the issue of control of one's work really is. For instance, I've had work of mine reprinted on the net without my permission—stolen, if you like. But the thief wasn't making any money off of it. He just happened to hate something I'd published—it was a column about *The X-Files*—and he posted it to an *X-Files* newsgroup so that other fans of the show could sneer at me. OK, fair enough: if you write a nasty review, you should be prepared for readers to be nasty back.

But the sequel was more complicated. The post caught the attention of Craig Miller and John Thorne, the names above the masthead in the magazine you're reading right now. They'd never heard of me, but they called me up out of the blue and asked to reprint the column in *Spectrum* magazine—and they paid me for it. They also asked to see what else I'd published about TV, and over the next couple of years they reprinted a dozen or so of my columns, and paid me for all of them. How much? Well, put it this way: not enough for a trip to Paris, but enough for a couple of really nice dinners when I was there.

So now when I think about that Usenet thief, I don't know really what he deserves: a rap upside the head for reprinting my work without asking me, or an agent's commission for finding me such a pleasant new deal. Maybe both. All I can say for sure is that I do very much like getting money for what I write—in fact, I insist on it. But I also like having people read my work, no matter how they've come upon it, whether they've paid for it or not. And I don't want to have to choose between having control and having readers.

Here's the compromise I've worked out for myself—which I offer not only to boost my own ego, but also for whatever insight it might give into how one particular writer manages this whole question of copyright and ownership of one's work. It happens that sometime in the near future, the publisher Sherwin Beach Press will be bringing out a book of mine called "Saving His Life." The book is a work of art—I mean the physical book, and I can say this without false modesty because I had absolutely nothing to do with the design. It's boxed, it's beautifully illustrated, it's printed on hand-made paper in a hand-sewn binding, and it'll set you back $400. It's perfect for your shopping list if you're rich and insane. Buy a couple for your friends.

As for my actual text: well, as Raymond Chandler said under similar circumstances, "I assume from the imprint of a distinguished publisher that I need not be sickeningly humble." I'm proud of it; it's as honest as I could make it, it represents whatever I'd managed to learn up to that point about being a writer and being a human being. I want you to read it. So if you go to my website, leesandlin.com, you can download the complete text for free. You'll also find the complete texts of two other short books of mine, along with a bunch of other stuff I've published, including some of the TV columns that Craig and John liked. Download them, print them, pass them on, let me know if you liked them—and if you didn't, just remember what you paid for them. But as far as I'm concerned, once you've read them, then you've already paid me back.

ROBERT E. HOWARD PANEL

During the Robert E. Howard Days gathering in Cross Plains, Texas on June 11-12, 2004, a panel discussion took place on the "Howard Boom." The panelists included author, publisher, and long-time REH fan Robert Weinberg; Don Herron (editor of two acclaimed books of essays, The Dark Barbarian *and* The Barbaric Triumph*); and Damon Sasser (publisher of* REH: Two-Gun Raconteur*). Sitting in the audience were Jack and Barbara Baum, current executors of the Howard estate. Near the end of the panel, questions were invited from the audience, which included* FC *publisher Craig Miller.*

Miller: There have been some changes in the copyright law recently. Now that it's been almost seventy years after Robert E. Howard's death, do you have any thoughts on whether all of his writings should enter the public domain so that it would be easier to get his work out?

Weinberg: That's a whole other panel! A whole other story.

J. Baum: It's a matter of, do you want to get it out to the fans, or do you want to get it out to everybody? I'll tell you, we're way in the hole on what it's cost to get to where Ballantine is printing the books right now.[1] Our perspective was where you try to get it out there where you get the library published. A lot of you guys in here know about Robert Howard past Conan the barbarian—he's done a lot of great stuff past Conan. Our deal was to get it out there so a new generation of readers could see the true Robert Howard and have it. Everybody is important, but you've got to have a plan where the other material can be picked up individually.

B. Baum: Otherwise, you would get willy-nilly editing, and people doing this and doing that, and part of our mission was to have the stories in their original form.

Heron: You don't want Howard's work just going out like mush. If you're not collected—if people just want to read the text and could just pop up everything on your computer, and it's ready to go—there's something about appearing in books. It's better for the author if you can have something that has that weight. I don't think the book is going away. They talk about it, but I think there are more books sold now than ever before.

J. Baum: Del Rey—or anybody else; we talked to a lot of people—would not have considered publishing any of Howard's work until we put it into a classic form[2] and gave them the imprint so they didn't have any costs, and that was very costly for us.

Weinberg: As an author, I will be glad to give up my copyright and let all my stuff fall into public domain as soon as all of the people who have inherited money from their parents, their grandparents, their great-great-grandparents—the Rockefellers, for instance—take all their money and give it back to the general public and just say, "We inherited this money. We didn't earn it, so we're going to put it back into the general public; give it back to the bank." Then I'll give all my copyrights to the public as well. *[Laughter]* Authors write this stuff; it's our intellectual property. The way copyright law used to be, whether it's fair or not, was that after fifty-eight years, no matter what you did—you could be Jack Williamson at ninety-four years old—it was for free to anybody. Robert E. Howard committed suicide in 1936, so you could say after fifty-eight years this stuff should be free to everybody. Maybe the people who inherited that don't

(continued on page 44)

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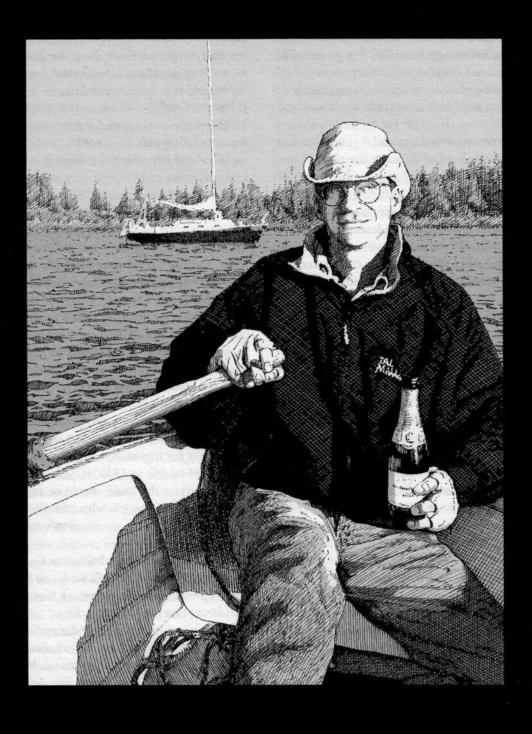
[1]Del Rey—an imprint of Ballantine Books—is releasing a library of Howard's work one volume at a time, reprinting in trade paperback form the deluxe Wandering Star hardcover editions.

[2]One of the aspects of the Wandering Star/Del Rey editions that has REH fans and scholars so excited is that the work that appears is the original Howard versions, not the (at times heavily-)edited versions that appeared in paperbacks through the sixties and seventies. To get to this point, however, the texts had to be checked scrupulously with Howard's original manuscripts or, if those were unavailable, the first published appearances of the stories (usually in *Weird Tales*).

Gerhard on the Joys of Sailing

FC: *How long have you been interested in sailing, and what attracted you to it?*

Gerhard: I am terrible with dates and am constantly amazed at the large gaps in my memory. It's as if I'm not even paying attention to my own life. But somewhere back in the early eighties, my father bought a small used sailboat, an 18-1/2 foot Sandpiper. He'd never really expressed an interest in sailing, and I think it surprised him as much as me that he got one. One day he asks me if I want to go sailing with him. We were never very good at doing things together. He's a grumpy, overbearing German immigrant, and I'm awkward, insecure, and a constant disappointment as a son. But hey, I'm in my twenties now, and maybe it's high time we tried to relate. I had not been on a sailboat before but have always loved the water, swimming and snorkeling at a rented cottage on summer vacations until I shivered uncontrollably and my lips turned blue. In my teenaged years I made annual canoeing trips to Killarney Provincial Park on the north shore of Georgian Bay. So I figured I'm game for an afternoon with my dad on his little boat.

Now, while Southern Ontario is surrounded by most of the Great Lakes, they are an hour or two drive away, and any small lakes near us are not the best for sailing. Dad decides to go to Burlington Harbour on Lake Ontario, since it's the closest access to big water. Unfortunately, the city of Hamilton is on the harbour, and the steel mills line the one shore. Not my idea of an idyllic setting but, as usual with my dad, practicality wins out over aesthetic considerations.

I mostly just watch as he launches the boat from the trailer, steps the mast, attaches the sails and the rudder, and explains what he's doing and why it's done in that order. We set sail under perfect conditions, a light yet steady breeze and no waves. He shows me the ropes, literally, and explains the theory of wind propulsion and how the sails should be set on different points of sail. We tack around the harbour for the afternoon and end up having the most enjoyable time together.

When it comes time to head home, he tells me to dock the boat (insecurity rising), which I manage to do. He then tells me to prepare the boat for haul-out while he goes and gets the truck and trailer (full-blown panic attack). I try to remember the order in which he had set everything up, and then I reverse that order in taking everything down. He gets back as I'm ready to unstep the mast and gives me a hand. We haul the boat onto the trailer and fasten her down. He turns to me, and he smiles. There is an unfamiliar expression on his face. He looks proud of me.

Soon after that day, he tells me that he has a tumour the size of his fist on his kidney, and not long after that, he is gone. It was the only time we went sailing together. He gave the boat to me, and I was determined to make good use of her.

FC: *That's a great story. What is it about sailing that has kept you interested for two decades? Are you an "outdoors" guy in general, or is there something specific to sailing that fascinates you?*

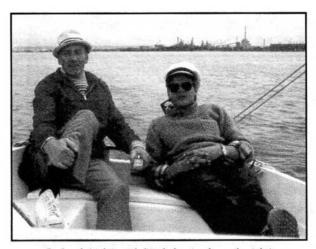
Ger: Well, the short answer is that it's fun.

There are a lot of different aspects to boating. If you read one of my logbooks, you'll notice that we spend more time motoring than actually making way under sail. Sailing is great if you're not in a hurry and not trying to get anywhere; then it's fun. But when I've got a route planned and a limited amount of time, the wind always seems to be coming directly from the direction in which we want to travel. You can't sail a boat directly into the wind. The best you can manage is about forty-five degrees off of the wind. And it is not the most comfortable way to sail. The boat heels over on its side; you're beating into the oncoming waves; the wind flings spray in your face (they say that you can recreate the sailing experience at home by standing fully clothed in a cold shower and ripping up fifty-dollar bills). If it's a nice, warm, sunny day, and I'm just staying in the bay, that's fine. But if I'm trying to get to my next anchorage by dinnertime, then doing that for eight or ten hours is more like work.

I should mention that I'm not into the whole racing thing. What we do is called cruising. And if we're just going up for the weekend (which is mostly all we get to do), then it's more accurately described as anchoring. Depending on conditions, we motor about fifteen minutes out of the marina to our little spot and chuck the anchor overboard. Or if the wind is from the wrong direction for that, we head out (either motoring or sailing or a combination of both) for about an hour and a half to two hours to White Cloud Island, anchor there and hang out until the weather worsens or it's time to go home. It's like having a camper van on the water. The whole idea is relaxation and enjoyment.

Mostly.

What really turns my crank is setting off on voyage. Passage making. This usually involves my friend Scott,. We've had some good ones, but there are a limited number of vacation days he can dedicate to cruising. There have been a couple of solo trips that I've made where I take the boat up to the North Channel. It takes about three days to get up there (our cruising speed is about five knots or ten kph. That's jogging speed). [My wife] Rose drives up with our dog and meets me at a marina; then we spend a week together on the boat just anchoring around the channel. Rose then drives home, and I spend three days getting back to Wiarton, where I keep the boat. I get my taste of adventure, and Rose gets to relax and enjoy one of the most beau-

"Life can get overwhelming at times....But on my small boat..., I can keep some semblance of order."

Gerhard (right) with his father in the early eighties

tiful places on the planet.

I don't consider myself one of those rugged, granola-crunching, tree hugging, outdoor types, but I have enjoyed hiking, canoeing, wilderness camping, and last year Scott and I went for a snowmobile trip in Labrador. That was cool (like, minus 40). So I do take pleasure in being outdoors in general and spending time on the water in particular. Sailing offers a lot of challenging and interesting prospects. Just the whole concept of using the wind to propel you through the water is a fascinating and elemental experience. The only sounds are the wind in the sails and the water on the hull (unless we have the stereo playing or have Rose's sister on board). When we're on a beam reach and I have the sails trimmed just right, the boat is practically sailing herself, gliding through the calm water, surrounded by the indescribable blue of Georgian Bay, in the distance the white limestone bluffs of the Niagara Escarpment rising from the deep green trees, overhead the big, pale blue sky streaked with soft, white clouds—well, it just makes me glad to be alive. And at night—the stars! I've had trouble finding the Big Dipper because it's lost in all the stars you just don't see in the city. Being on the bay makes me humble, awed, and thankful. And keeps me sane (saner?).

Then there are the practical and technical aspects—boat handling and seamanship: how the boat reacts under different conditions, making sure you're anchored properly, docking, the rules of the road. Navigation: reading charts, plotting courses, dead reckoning (until I got a GPS, that is). Reading the weather. Knowing all of the electronic and mechanical equipment. Maintenance and repair. It's all good.

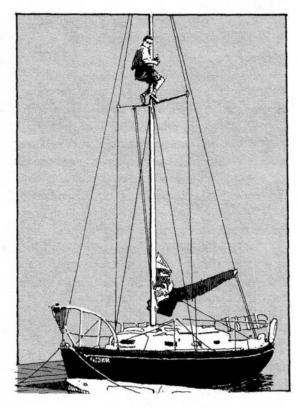
Life can get overwhelming at times. Everything seems out of my control. But on my small boat, a little self-contained world, I can keep some semblance of order, and I learn to act so that controlling elements aid me rather than oppose me. Someone once said something like: A pessimist curses a change in the wind, and optimist waits for the wind to change back, and a realist adjusts his sails and continues on.

Also, there's a lot of beer involved.

FC: *I don't know anything about the weather conditions where you sail, but have you ever experienced a sudden change for the worse in which it became more of an adventure than you bargained for in getting back?*

GER: Ah, the weather. You could say that I'm a little weather obsessed. The Environment Canada weather for Kitchener is the home page on our browser. Weather for Wiarton is at the top of the favourites list, followed closely by the MAYFOR website, which is the marine forecast. The MAYFOR is broadcast continuously on VHF radio, updated three times a day, and is the first thing I check when getting aboard or waking in the morning. The forecasts are for the next twenty-four hours only and report wind direction, speed, general conditions (fine, rain, thunderstorm, etc.), and wave height. I chant along with the announcer, like a mantra or part of a Catholic mass, "Forecasts are for mid-lake, waves are measured from trough to crest, winds and waves may vary considerably due to shoreline effects."

The weather is *the* biggest controlling element, and you only have to get caught unprepared once to learn your lesson or pay the price. And the weather on Georgian Bay can turn on you, fast. Sometimes all you have to do is go around a headland or point, or around an island to find surprisingly different conditions (those dreaded "shoreline effects").

There have been a few times heading back from White Cloud Island, usually only an hour and a half from the marina, when I've spent almost twice that long sitting in the cockpit with all of my rain gear on, holding the boat directly into a thirty-knot wind and one meter waves. Every time the bow slams into the tough of the wave, it sends up a wall of water that lands right on my head. Meanwhile Rose

All illustrations by Gerhard

and our dog are down below staying dry. Every once in a while she'll yell through the closed companionway, "How's it going out there?" And I shout back, "Still better than working!" Usually, if the forecast calls for strong winds for the next day, we will motor back that night, typically with calm conditions under the moon and stars. Much more enjoyable.

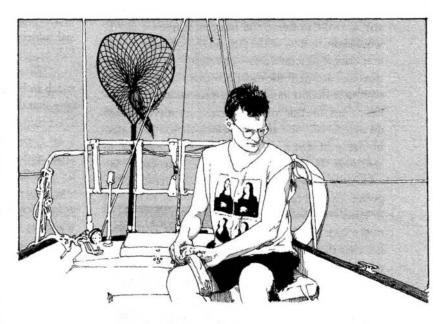
So generally, I leave early or stay put if I know conditions are going to be bad. On our 'round the bay trip in 1999, Scott and I sat for sixty-five hours in Lion's Head waiting for the weather to change. The year before that, on a solo trip to the North Channel, I was lucky enough to get to Club Island, a small, C-shaped island in the middle of the bay, before the biggest thunderstorm I've seen in my life passed directly overhead. They were announcing on channel 16 on the VHF, which is usually for hailing and emergencies only, that there is a severe thunderstorm warning, severe wind warning, tornado warning, heavy rain warning, and to tune to the MAYFOR channel for details. Well, I hadn't heard anything like that before. I tucked into the most protected spot I could find, put out two anchors, got on all my rain gear, tied down anything that was loose and watched as this monster cloud came marching toward me legs of lightning. As it passed overhead, the lightning was constant. It was actually jarring when there was a moment with no lightning, because everything was then pitch black, as if I'd been struck blind. Then the strobe effect would start up again. The winds increased to gale force, and the boat was heeling over, at anchor, with no sails up. The wind shrieked and howled, the lightning cracked, the thunder shook the whole boat, and the torrential rain pounded on the deck. I was kneeling in the V-berth looking out all of the windows at the show going on all around me. I was trying to keep away from anything metal or electrical. The mast is grounded to the keel bolts, so any lightning strike is supposed to discharge out the bottom of the keel through the water and into the ground. "Supposed to." I had done everything that I could think of to prepare for this, and it was just a matter of riding it out. It was quite a night.

There have been others:

Numerous times I've had to move to a new anchorage at four in the morning because of a shift in the wind.

In 1988, we chartered a 35-foot sloop that I took out into gale-force winds because the holding tank was full, and we were out of food and drink. After a short roller-coaster ride and with a tattered sail, we surfed back into shelter and had peanuts and vodka for dinner.

Then there was the time that we ran out of wind. And then ran out of gas. Ever try paddling a sailboat? Not fun.

But nothing'll beat Scott and me on Lake Erie, bringing the boat from Windsor after I had bought her from John Preney. It was mid-October; it was night, dark, cold, wet, with a North-Easter blowin' in our faces. We had no radio, no GPS, and no light in the compass. Scott sat on a flashlight pointed at the compass to keep our 75-degree heading while I tried to figure out where we were. The cabin was full of blue smoke from the bad head gasket on the inboard motor. The bow would raise up into the darkness on some unseen wave and then come crashing down, sending a wall of freezing water into the cockpit. At one point the motor and all of the electronics suddenly quit. Bobbing around in the dark we eventually discovered that the alternator belt on the motor had broken, and we were running off of the battery, which had just gone dry. We didn't have another belt, but we did have an extra battery. So we hooked that up and just hoped that it would last

long enough to get us to shelter. We managed to find Erieau, slammed into the gas dock, and literally kissed the ground once we were tied off.

That's about as much adventure as I need.

FC: *You mention that you enjoy the ability to control the small environment of the boat. How does that experience compare with your work as an artist, in which on one hand you have some control, but on the other are stuck inside tied to a drawing table?*

GER: Well it doesn't compare, really. Sure, I have some control [with the art], but more often than not I sit there and watch as the page turns into—well, whatever it is that it's turning into. I don't know how many times I'd end up with a finished page that looks okay but is not what I had envisioned when I started. Or, even worse, I don't have a clear idea of the finished page, and it just sort of evolves on its own.

And if the weather is good for sailing, I just try to ignore it. There will be more nice days.

About Last Issue

by Dave Sim

Pretense and Truth:
The Challenge of Dave Sim's Storytelling

I think one of the elements that may (or may not) be missing from your analysis of the net effect of Dave Sim entering the Cerebus storyline was that I tended to see it very much as a series of either/or propositions that left me no recourse, given that I was on a Quest for Truth.

Either/Or #1

Since my intention (however hidden) with the 6,000 page story was to arrive at the nearest approximation of truth that I could manage, it seemed to me, relatively early in the proceedings, that I needed to come to a conclusion about whether or not I was going to address my own reality as a key component of the book, and it seemed obvious to me that any attempt to avoid the issue of my own reality would constitute—at the very least—a failure of will at a critical juncture and—at worst—an unwillingness to document the most obvious "step up" from complete fiction to a nearer approximation of reality. Part of this was motivated by my own late awareness of the extent to which fiction is treated by many (if not most) people as a self-evident *roman a clef.* Recent theories on "deconstructing" literature have—if anything—only emphasized the point. As you hinted in issue one, there is now a widely held belief that there can be many realities at work in a piece of fiction of which the author can be entirely ignorant, and a tangential belief to that one which would maintain that all fiction is essentially a *roman a clef,* and that no author is even capable of creating a literal fiction because all fiction issues from the writer's unconscious mind, and therefore all of his creativity essentially amounts to a "free-association" test conducted in a public forum for the edification and amusement of anyone paying the price of admission. It's hard to actively find fault with that when your livelihood depends on ticket sales, and it is certainly at least a *species* of reality, since it is a view held to be self-evident by any number of paying customers. While I don't share it, I recognized that it needed to be—if not accommodated—at least taken into account. As with most creative "givens," I tried to be as good-natured about it as I could: "given" that the perceived reality was widespread and, therefore, inescapable—variously playing off of the perception, playing against the perception, toying with the perception, addressing the perception metaphorically (how else?) and, in the instance of *Minds,* leaning into the perception that what I was doing was conducting a kind of self-therapy on the comic-book page, even as I recognized in this that there seemed (and seems) to be a serious inclination afoot to make creative work secondary to the creator of it and to that creator's psychology. When cat yronwode got all huffy back in eighties and sent her "kiss off" letter, she alluded to this quality of reading my work as she, evidently, read all creative work: in an effort to discern the reality of the person behind the work. It's as common a perception as dirt in our society and (in my view, anyway) sets up a needlessly awkward dichotomy between creator and creation when you have resolved (as I had) not to avoid controversial subjects if that were where the Quest for Truth led.

[Parenthetically speaking, this turned out very much to be the case if you allow yourself to recognize that the universally perceived reality of Foolish Dave Sim the Evil Misogynist, ultimately, superseded both *Cerebus* as a creative work and Dave Sim as artist and writer in the popular imagination. Very much a living example of "You can get what you want and still not be very happy" in the case of the ardent feminist—pardon the redundancy—reader who was reading the book as a *roman a clef* of the life and times of Dave Sim, who was presented with the actuality of Dave Sim they were looking for which, in turn, presented him or her with a dichotomy perfectly unbearable to the liberal mind. Dave Sim admitted he wasn't a feminist, and people who aren't feminists are evil, therefore *Cerebus* the creative work was evil, and therefore they couldn't allow themselves as good feminists of the village to be sullied by it any longer, and they left in a huff, a favourite means of feminist transportation, which—in their hearts where they live and their minds which they very occasionally visit—only compounded the authorial crime. "Look what Foolish Dave Sim the Evil Misogynist made me *do.*" When, of course, I didn't "make" them "do" anything. From where I sit, they had extrapolated their own prejudices and presuppositions into such universal truths that they had led themselves to believe that it was somehow a big part of my job not only to leave their prejudices and presuppositions intact, but to reinforce them, to shore them up and flatter them and decorate them. They took it as a given that this was part of the sacred pact between author and reader: the paying customer as Sovereign and the author as Court Jester. It was my job to make them like me or, even more pernicious, to maintain their perception of me

as being intrinsically "like them" throughout the storyline. One of the greatest betrayals of that sacred pact—in their view—was that I hadn't taken the "easy out" of disclaiming the views espoused by the fictional Viktor Davis. For many, it brought them to the brink of madness. Not only had I violated their perception of who I am, who I needed to be to meet with their approval, not only had I ruined the story in the process, but I hadn't given them so much as the sop of ambiguity to allow them to continue to maintain, mentally, a societal construct which could continue to include me (however marginalized and under however dense a cloud of suspicion I would have been allowed to do so).

Well, no, was my amused reaction. Definitely not. At the point of greatest reduction, I had come to the conclusion that not only wasn't feminism the be-all and end-all of societal improvement it was and is being presented as, it was, to me, very much the problem. I actually resisted addressing the issue for some time after it became apparent to me. I was on a Quest for Truth. Alas, I would spend much of the remaining ten years of the book explaining that feminism was the primary thing that was in the way of any Quest for Truth. All straight lines were being inverted and contorted until society was one overgrown moebius strip. A one-sided figure-8 masquerading as reality: accusing the truth of being falsehood and defending falsehood as being the truth. To reiterate just one of my examples among many, feminism was—and is!—far more chauvinistic than the masculine side of reality ever was or needed to be. Just like the Frenchman Chauvin's blind worship of all things French—the condition which led to the use of the term itself—feminists saw feminism as an inherent—and the highest!—good. Since 1970, society always applauds women more loudly than it does men, society is resistant to seeing anything wrong with any woman anywhere under any circumstances, and so on.

It was an either/or proposition. To ignore—while on a self-confessed Quest for Truth—what feminism was doing to society would make a mockery of the attempt in every particular. I couldn't, in good conscience, either ignore feminism or pretend to be an adherent of feminism if I were going to make any more forward progress on my quest.]

Either/Or #2

There are still, I'm sure, those readers who wonder why I didn't just fictionalize the whole thing, or rather, maintain the fiction on its own level and make it a thing apart from myself. It seemed to me that the fundamental problem with that is the inevitable consequence that results from public figures (however small their public) who are exposed as being otherwise than what they purport themselves to be. The nature of the cat yronwodes of this world is that they not only seek to determine the authorial nature through his fiction, they delight when the portrayal and the reality are proved to be disparate, allowing them to be the fully-integrated personalities whose fully-integrated judgment supersedes and identifies the feet of clay. Gossip-mongering is the slimy underside of literary deconstruction particularly with regard to those authors who foolishly (foolishly, in the popular imagination, anyway) intentionally embark upon the task of frying large fish, which I intended to do, and which I think I have done. There is an implied necessity when dealing with the population of gossip-mongers—of which there is no shortage in the comic-book field—to "head them off at the pass," since more than one ambitious individual has found himself nibbled to death by ducks and hoist to his own petard as the firewall between the "private he" and the "public he" gradually crumbled either in his life or after he was dead and buried and unable to defend himself. Again, it seemed to me, back in my secular humanist amoral days to be an either/or proposition. If you want to do a lot of drugs and drink a lot, have a fifteen-year-old girlfriend when you're in your late twenties, womanize and carouse, then you had better be as up-front about it as you can while it is taking place, or the life you're leading will be used as cudgel by the gossip-mongers to smash your literary reputation into small pieces sooner rather than later. I took it as a given that everything I had ever done would eventually become public knowledge and, on many occasions, counted myself fortunate to live in a time period where the term "immoral" was always book-ended by winky-winky quotation marks. In a society without morals, Monica Lewinsky isn't the problem. Stabbing the air with your finger and insisting to a room full of network journalists and cameramen "I want you to listen to me very carefully. I did not have sex with that Miss Lewinsky" and deluding yourself that that's even remotely sustainable in the short or long term...*that's* the problem. It amounts to a flat-out admission that you're playing *your game* only on *your* chess board *in front of you,* and that the larger chess board on which you are enacting your life, and the chessboard above that one, and the chessboard above that one, are just flat-out wrong and, to my way of thinking, being that irretrievably and belligerently myopic makes you a self-evident Buffoon with a capital "b," a Buffoon on the Grand Scale. One of the first "givens" of reality is that nothing actually takes place in secret. If it happened, all relevant entities, at one level or another, are aware of that fact either here or in the future.

Either/or: you can either have a personal life to call your own and have it ultimately used against you to undermine whatever you have achieved, or you can have only a public life, open and transparent to anyone wanting to pick through it.

Of course what I never took seriously at the time was the fact that there is another option: living a life beyond reproach without the stain of vice attached to it, which is what I have been attempting to achieve since 1998. It's come as quite a surprise

to me that a vice-free life is easier to lead than a vice-riddled life.

Who knew?

Either/Or #3

"Sim's presence in the story—as well as his references to readers—represents his acknowledgment and presentation of a communication model."

That's a very good sentence, and I have to commend both of you for it. It's not often that I get an effective distillation of a key point from outside of myself—usually I'm the one charged with the task of isolating the key point and then distilling it—but in this case I did. It was what triggered this entire response, because it sharpened and clarified my own perceptions about what you were discussing and what I needed to relate in order to contribute to the discussion. I'm not sure if I pioneered the model, but I may have pioneered the first attempt to bring all three elements into equally balanced proximity to each other—author, reader, and story—within the story itself. Some fruitful avenues that might be explored and that diverge from the point present themselves: the specificity in particular. In descending order of specificity, the story is the most specific both at the time and the one that grows more specific over time. At the time, it was just issue 185, issue 186, issue 187. "This really sucks." "This is really offensive." "This is making me angry." All present tense. Of course, now it's *Reads*. It's part of *Cerebus*. *Reads* is done. *Cerebus* is done. It has gone from something vague to something specific, from something incomplete, something in progress, to something finished and finite. The author and the reader are now, as a result, less specific than the story. The Dave Sim who wrote *Reads* doesn't exist. The Dave Sim who wrote *Reads* was an atheist and an alcoholic and a drug user with only a vague awareness of the Bible. The Dave Sim of 2004 isn't any of those things. The specific Dave Sim who presented his viewpoints as Viktor Davis no longer exists. All that remains of that Dave Sim is his viewpoints and the part of the story that he told. And the reader is, at the same time, both less and more specific than he or she was at the time. Less specific because, whether you read the individual installments while it was coming out, whether it was your first exposure to Dave Sim and *Cerebus,* whether you've reread that part of the story once, twice, or a dozen times, you are no longer the reader who first read it, and the ways in which you differ from that reader are known only to you.

[Parenthetically, again, since it's always more sensible, in my experience, to deal with feminism parenthetically: it is far from an uncommon occurrence that a gentleman would be one reader of *Reads* the first time out ("This really sucks. I'm really offended. I'm getting angry") and on their fourth or fifth time through have become a different reader ("This makes sense. I don't like this, I disagree with this, this makes me angry, but this seems like a more legitimate model for reality than what the feminists are trying to sell me."). The story is a fixed commodity, but the author and the readers—some of them, anyway—have changed. Even the readers who haven't been persuaded of the viewpoint can find themselves less offended by it. They recognize that the offence—the fact of their having been offended by the story—has far more to do with their own choices and beliefs and prejudices than it has to do with either the author or the story in any objective sense. The urge is still universal to shun Dave Sim—the only recourse when he hasn't broken any law for which you can lock him up. Although *Reads* can now be seen, by genuinely open-minded people, as an interesting way of presenting a viewpoint that dissented from what was then the societal norm, it can, also, now be seen, *historically,* as a demonstrable example of how intolerant and vindictive people can be who perceive themselves inaccurately as being tolerant and compassionate.

Again, that was an either/or. Having recognized that feminism is essentially intolerant and vindictive, I had to point that out and then bear with the consequences for however long it took the members opposite to recognize the extent to which their own virtually universal reaction—ongoing to this day, more than a decade later on—had proved the core of my thesis.]

Readers and an Author in the Story

The problem with writing about The Reader as a character in the story is that you have a very limited palette to work with. What do all of the readers have in common? The only thing all of the readers have in common is that they are reading the story. It really is the only given. When you write

Sim creates this impression in a number of careful and explicit steps. In Reads *he makes reference to the reader when he mentions that he's going to end the story at 200, and that "the reader" is "caught off balance." And we, the readers, think, "Yeah, we* are*!" What Dave is saying about what is going through the reader's mind is exactly what is going through* our *minds at that moment!*

Clearly that reaction could happen only during the first reading, during subsequent readings we aren't surprised...

You get fully half of the point, but miss another half. The impact of that story point only existed for the year and five months between issues 183 and 200. Because that was one of the few givens that I had about The Reader: he or she was probably familiar with the book and was unaware of the extent to which he or she was reliant on the fact that he or she would have 117 more issues to read. At that moment in time, one of the givens I had about The Reader was that taking away 100 of those issues would have an emotional impact. Which, evidently, it did—in direct proportion to their level of involvement in the story to that point. Those who were the most fully engaged were the most

seriously wounded. That was a really big risk to take as well, because I actively made the reader distrust me. I said the book was going to be 300 issues, and now I was saying it was 200 issues. And then I said I was just kidding. It was a display of power, basically—the power an author has over a reader, which is implicit in the relationship but which is usually ignored in proximities of basic politeness. The Court Jester essentially walked over in the middle of the performance and smacked the Sovereign in the face. It's a cheap trick in a way, but I really think it escalated the level of reality, which is what I wanted it to do. At one level or another, all the readers suddenly had a more heightened awareness of the book and their relationship to it, and that heightened awareness sustained itself for a year and five months. It was a more direct way of doing what I was in the midst of doing—making The Reader aware of the fact that I didn't share their deepest and innermost prejudices, one of those prejudices being that I *owed* them 117 more issues.

I mean, technically, I could've ended the book at issue 230, 250 or 291, but there was no way I was going to revisit the gag. And I also didn't say in the editorial to issue 201 "You know, just because issue 201 has come out, that doesn't mean that I'm actually going all the way to issue 300." There's such a thing as using mild sadism as a story point, and then there's pulling the wings off of flies. Because I *did* owe the reader 117 more issues: for the core audience, for the people who made *Cerebus* possible, the implied-by-me, inferred-by-them *fact* of the 300 issues was a big part of the bargain. The grown-up part of the reader would be saying, "Well listen, he did more than twice as many issues as Lee and Kirby did of the *Fantastic Four*—Sim and Gerhard's nearest competitors in the Iron Man longevity competition—so I'll just be glad that I got 250 issues." Inside that grown-up there would be a little kid screaming very loudly, "CHEATERS! CHEATERS! YOU OWE ME FIFTY MORE ISSUES!!"

Why is that? I have no idea, but I'm pretty sure that would've been the more honest reaction. Just mentioning it makes everyone mentally clutch their *Form & Void, Latter Days* & *Last Day's* a little tighter, right? Even if they don't particularly like those books.

It's okay. They exist. I can't take them away from you.

The Value of Pretending Seriously

I have to admit that I've never considered this. When you write

That's the power of fiction...Any sane, intelligent person is not going to believe it's real. But it has a special function for us, because it allows us to engage a part of our minds, maybe in some ways like our dreams do. It takes us to a place that we might normally resist going, or we may not be able to go ourselves.

It's wholly unfamiliar to me, and yet I get the sense that you're right, and that this is one of the great motivating forces in our society—that fictionalizing a point makes it more palatable, more digestible. It would certainly explain a great many things, from Orwell's *1984* and the reception of its perceived lessons over the years to the present-day urge on the part of the population towards movies as a shorthand introduction to different realities. Don't give me articles to read about the progress being made in Afghanistan contrasting the warlords and the Taliban and the influence of Pakistan pro and con—instead show me a movie about it. Find a pretty young girl to star in it and let her portray, anecdotally, the viewpoints of the writer and the director. To me, that seems intrinsically false, particularly as a means of understanding any aspect of Islam or an Islamic country or an Islamic culture. If the star of your movie is a pretty young girl, it's a Western movie, and you are holding up a mirror to yourself where it doesn't belong.

As I say, I've never considered this before because pretty much all viewpoints interest me. I'm worlds away from the semi-pagan, semi-Christian world inhabited by Robertson Davies, but I spent the Christmas holidays happily devouring his Collected Letters and re-reading *The Papers of Samuel Marchbanks.* I couldn't disagree more with Norman Mailer than I do, but I can think of few people whose work I enjoy reading more. Robertson Davies had a very low opinion of Mailer and his work; that fact diminishes neither my appreciation of Davies nor of Mailer. I'm an ardent Zionist, but I can cheerfully read *The Protocols of the Elders of Zion* without breaking out in hives. There's no substance to the arguments presented, so I'm neither offended by them, nor do I think they should be suppressed and kept away from all decent people. I don't own and have never read either of Robert Crumb's *When the Jews Take Over the World* or his *When The Blacks Take Over the World.* I don't know how much of either one he believes, however secretly. I imagine both are pretty interesting because Crumb is an interesting creator. If I turned over a page in a magazine and found myself on page one of either story, I'd automatically start reading without a second thought, as I do with anything I run across by Crumb.

We don't necessarily go into fiction thinking it's a debate, that we have to prepare counter-arguments and keep our guard up. Ideally we enter into fiction with an open mind—a willingness *to hear another point-of-view. That's a great value of fiction, especially in today's polarized society. Too often we close our minds to other people's ideas before they even express them.*

Well, yes, I quite agree. But then, I've never thought of myself as needing to prepare counter-arguments or to keep my guard up—whether I was watching a documentary, reading a work of fiction or someone's autobiography. What I attempt to do

when I'm reading is to take whatever it is that I'm reading at face value, to try to understand how the world looks to the other person—which, believe me, takes some doing when I'm reading Sheila Copps or Anne Kingston in the *National Post*—to understand the viewpoint implied by the progression of points, the way they are made, the choice of phraseology. Most of the time—whomever I'm reading—I don't think that the A that they see leads to the B that they see but, to me, unless you can understand how someone else can rationally think that A leads to B, to me, you are as much as admitting that your viewpoints are really just a series of prejudices that you enforce by shunning and being scrupulously deaf to any prejudices besides your own.

No Going Back

I think this is, to a degree, true. When you describe the pre-Dave world of *Cerebus* as being "a world to which it was impossible for the reader to return," well, yes, certainly. If the reader adheres to the reality that *Cerebus* is a 6,000-page graphic novel that was serialized over 300 issues, then the total story must be treated as the total story, "Dave Warts" and all. But there does seem to be a popular pastime sweeping the comic-book field at the moment where people are offering their individual opinions as to "where *Cerebus* started to irretrievably suck." Most recently in the *Comic Buyer's Guide* in a feature entitled "1600 Comics You Need to Read," Maggie Thompson and Brent Frankenhoff decided You Need to Read *Cerebus* #1-50. The concluding line of the mention: "The story moves into ever more complex (and hilarious) developments, with no outcome guaranteed." This seems to me to indicate that one moves past issue 50 at one's own extreme literary peril.

Along the same lines, I have urged people who desire a happy ending just to read to the end of *Going Home* and forget the remaining three books.

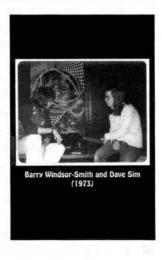
The Shadow Know...er...Suspects

Good guess on the panel from *The Shadow* No.4 that I desperately wanted Michael Wm. Kaluta to let me ink, but wrong. The correct panel (pictured at right) is a three quarters view of the criminal showing primarily the left side of his face, and he's holding up his hand next to him. It's on page 15 of the story.

The Back Cover

Actually the picture on the back is from the 1975 Cosmicon at York University in Toronto, rather than the 1973 Detroit Triple Fan Fair. I'm looking a little crestfallen because what I was hoping was going to be a *Comic Art News & Reviews* exclusive announcement of the forthcoming release of Barry Windsor-Smith's *The Real Robin Hood* has turned into an entirely off-the-record explanation of why Barry had started to sour on the project and, therefore, wasn't prepared to announce anything.

Barry Windsor-Smith and Dave Sim (1973)

Perhaps by way of compensation, Barry and Linda smuggled me into the "Pro's Only" party that night, where I proceeded to drink Two Whole, Entire Glasses of Red Wine getting, for the first time in my life, a little tipsy while babbling incoherently at Linda about anything that came into my head to keep her from walking away and talking to someone else.

(REH Panel continued from page 35)

feel that it should be free, and I tend to agree with that, unless the people who are saying it should be free are willing to put all the money that they got from past generations, and all the furniture they inherited, and everything else their parents gave them, their grandparents gave them, if they just put it back into some pool, and everybody could take out of it—

B. Baum: It's more than a money issue. We don't make money off of this. For us it's more of a stewardship issue. You have to have someone who cares about it in charge of the material, and not just, "It's this piece for that fee."

J. Baum: Glenn Lord did that for us for a long number of years, and that's a long, complicated story, too. We feel like that's our stewardship now. We want to get to the point where the world will consider Howard a classic author. A lot of you contacted us to let us know what the value of everything was. There's a lot of different ways that you can go as to what's right and what's wrong. We're trying to do the best we can.

NOTE: *the topic of copyright will return in an upcoming issue. We invite writers and* FC *readers to send us their thoughts.*

(Editorial continued from inside front cover)
or did not resemble Donald Duck so closely that it infringed upon Disney's property; and the distribution of counterfeit copies of *Cerebus* 1 in 1982.

Our problem in putting together the contents for *Following Cerebus* 3 was that the copyright material was supposed to be just one small part of a Copyright and Parody issue. But as the copyright feature kept expanding, it became more and more difficult to reign in that section of the issue. If we deleted all mention of the related issues—such as the Miracleman controversy—our coverage of the subject might seem superficial. If we did include it, the issue might expand out of control, leaving no room for that Roach history.

So we split the difference, perhaps in a way that will make no one happy, but it represents our best try. We're not legal experts, but in these pages are brief summaries of some of those related copyright controversies, various views of issues related to copyright, plus all of the original Kurtzman material we'd intended to run. It's all related, though perhaps not seamlessly or at a glance. The JBB column forms the cornerstone for the copyright "roundtable." If all of this sounds like you'll be wading through pages of dull legalese, you're in for a surprise: some of these battles will be as engaging as the best Cerebus/Roach conflict.

The Cover(s)

While satire and parody are addressed in the Kurtzman features and in the interview with Sim, they're not the dominant themes we'd originally intended while designing the covers. Oh well, what's one going to do? The covers still sorta' fit with the overall theme of the issue, but besides that they're beautiful works of art anyway, right? Who's going to complain?

As we said, we're going with the natural flow of how the issue took shape instead of cramming in some last-minute Marx Brothers/Three Stooges/Woody Allen (etc.) text piece just for the heck of it. We wouldn't want to write it, and you wouldn't want to read it. We'll do it up right and get it into an upcoming issue. That way we'll both be happier.

As for the covers themselves—Sim and Gerhard outdid themselves this time around, eh? Longtime fans surely recognize the original covers upon which they are based—all are practically iconic—but here anyway is some background information:

Weird Following Cerebus

This is based on *Weird Science-Fantasy* 29 (EC Comics, May 1955) by Frank Frazetta. The cover has been called the greatest comic book cover of all time, and we wouldn't argue with that assessment. Frazetta has often spoken about the history

behind this cover—that it was drawn quickly and intended as a Buck Rogers cover for *Famous Funnies* (he drew the covers to issues 209-216 from 1953-1955), but publisher William Gaines turned it down (too violent, as we recall). Frazetta made some slight alterations (so that the central character didn't look as much like Buck Rogers) and sold it as *WSF*—but *only* on the condition that Frazetta got to keep the original artwork (which was not done in those days). Gaines balked but couldn't deny the quality of the cover and so bought it anyway. (Marie Severin provided the beautiful coloring job on the original comic.)

Dave'n'ger's

The Jack Kirby/George Roussos cover for *Avengers* 4 (Marvel Comics, March 1964) featured the return of Captain America (he'd disappeared from the comics scene for a decade) and was such a powerful image that the design has been used over and over (including a nice version recently by Alex Ross for a deluxe print).

Dialectic Comics

Detective Comics 31 (DC Comics, September 1939) featured just the third Batman cover *ever*. DC's *Batman Archives* edition does not identify a cover artist, though it's almost certainly Bob Kane, the original artist of the strip. It perfectly captures the early menacing atmosphere surrounding Batman. Neal Adams did his own version of this cover for *Batman* 227 (November 1970).

When we first proposed the cover idea to Dave (or he to us; we can't remember exactly), we sent him a bunch of covers to use as reference. We loved the idea of using *WSF* (besides for all of the obvious reasons, just to see Gerhard tackle Frazetta-like textures) but left the final decision up to Sim. Imagine our surprise when he said they were doing *three* covers.

Not wanting to see such beauty "wasted" on five-inch-high reproductions, we decided to check with the printer about the feasibility of doing a fold-out cover so that every copy contained full-size versions of all three covers. This also eliminated the need for fans to buy three copies of *FC* 3 in order to get all three covers—a practice that drives us nuts when other publishers do it (though if some of you *would* buy an extra copy or two, we'd appreciate it; these fold-out covers aren't cheap, but we kept the cover price the same; buy an extra copy so you'll have one to tear off the cover and hang it on the wall).

So there you have it—what's in (and on) this issue, and why. Come back in May for our special Will Eisner Tribute Issue.

Craig Miller
John Thorne

Will Eisner, one of the greatest writers and artists in the history of comics, died on January 3 at the age of 87. Because of his influence on Dave Sim's work, we are preparing a tribute issue for FC 4. *However, we did not want his passing to go without mention here, so Dave sent the following, which will be continued in our next issue.*

Remembering Will Eisner 1917-2005

Dear Dave:

*Delighted with your grand letter and offer to drive me and Ann to the scrimmage of the Torontocon. I gratefully accept and I am eager to make good on my promise. Man, I knew you would do it all the time. I haven't received the details from Peter [*Dickson owner of Paradise Comics*] and Kevin [Boyd, co-organizer] therefore my air flight reservations have not been made. You will hear from me as soon as it is completed. I really am looking forward to seeing you, Dave, it has been too long since we last met.*

Cordially,

WILL EISNER

The limousine is something more of an extravagance for the retired Dave Sim than it had been for the working Dave Sim, but there was no question that I was going to get one to go and pick up Will and Ann at the airport for the Torontocon this past June. It was an odd experience—having picked out a nice bouquet to present to Ann on their arrival—standing there watching the arrivals level doors at Pearson Terminal Three. I'd have to go back to the last time I had a girlfriend—almost seven years before—to recall the previous occasion where I had found myself awaiting the arrival of an airline passenger. I had tried to impress upon the limousine service the importance of my guests. What I came up with was:

If this were the movie business, I'd be going to the airport to pick up D.W. Griffith. That's who Will Eisner is in the comic-book business. Madelyn, the dispatcher, was suitable impressed. I made the same point with the driver, this time—having had some more time to consider the scope of Will's achievements—to say it was like picking up D.W. Griffith and Orson Welles rolled into one.

So, it was odd standing there, watching those doors and realizing there would be no fanfare, no red carpet, no ceremony, no press conference, no glare of television lights backing in to the arrivals level (which had heralded the imminent arrival of Prime Minister Trudeau the time I had shaken hands with him on one of his last political campaigns). The D.W. Griffith and Orson Welles of comic books had, moments before, set foot on Canadian soil for the first time in thirty years and no one had—or would— remark on that fact. It wouldn't be on CityPulse or CBC Newsworld at that moment nor on the National that night. At that moment, he and his wife were treading the unconscionably long walk from customs to the arrivals level, and I was the only one there to greet them. That, to me, was the most astonishing thing as I watched the arrivals level doors. And then there he was. Will Eisner. Pulling his suitcase behind him. Looking for all the world like any one of the nice Jewish men who had just gotten off the flight from Miami to Toronto. He was just that unexceptional, just part of the milling throng, all craning their necks for sight of whomever it was that was supposed to be there to meet them. I realized I was standing at attention. Will caught sight of me and broke into a broad grin striding toward me, pulling his suitcase.

He pushed through the gate, sticking out his hand. "Dave!" he said.

"Will! Where's Ann?" I asked him, and the sheer mind-boggling ordinariness of the question threw me for another loop, mentally. It was Just As If I were meeting a nice Jewish man who had just gotten off his Miami flight, and it was Just As If I were asking him aloud where his wife was.

"Oh, she couldn't make it. She caught a cold." He looked down at the bouquet in my hand.

I laughed. "I guess these are for you then."

"I don't want 'em," he deadpanned. "We'll have to find a pretty girl to give 'em to. Which way?" I indicated the direction of the Pre-Arranged Limousine door. "Boy, Ann would have loved that," he said, "I never buy her flowers." We came up on a men's room's entrance, and he excused himself. So I stood there looking for a pretty girl to give the

flowers to, wrestling with the fact that it was just not in my nature to do so, and that I probably had three or four minutes at the most to find a likely candidate. Two pretty girls passed in front of me. I can't do it, I thought. At Will's age you could get away with it. At my age you'd be playing with dynamite. I realized I was standing at attention again and—forcing myself to relax a bit—the slow realization dawned on me that it hadn't been, you know, a Direct Order from my Commanding Officer. I bought the flowers; I could just throw them out, which I did.

"It's good to see you, Dave," he said, as he reemerged onto the concourse, and I refused to surrender his suitcase back into his control.

I told him it was good to see him as well, and then I told him, honestly, when you're meeting an octogenarian at the airport, you prepare yourself mentally. What sort of shape is he going to be in? And I said—again, as I told him, without a word of a lie—Will, you look great. You don't look a day older than the last time I saw you on your eightieth birthday back in '97. We had arrived at the limousine desk, and I said, "Brentwood, for Sim." While they phoned down to the compound, Will grinned:

"Yes, I'm in complete denial about my age. I don't feel anywhere near this old. And of course, I just finished the book, so this is as relaxed and relieved as you're ever going to see me."

Well, congratulations, I said, at the unexpected good news. This was, of course, the book on *The Protocols of the Elders of Zion*. I had been under the impression that he still had a ways to go on it.

"No, it's done, and it's such a relief. I hate traveling when I'm working on a book, because I just don't want to pry myself away from the drawing board." We compared notes on completing books and the fact that everything always seems to be going the best at the drawing board at the exact moment when it's time to leave for the airport.

The car arrived, and we walked out. "Holy mackerel," Will said, "Is this for us?"

"No, it's for you, Will," and I added, with perfect honesty, "I'm only sorry there isn't an honor guard and a motorcycle police escort." To my great delight and relief, the limo driver drew himself smartly to attention as he opened the passenger compartment door and said, with great conviction and the exact ceremonial note:

"Mr. Eisner. It's an honour, sir."

"Boy," he laughed as we climbed in. "Is Ann going to be sorry she missed *this*."

Continued next issue

Dave's Favorite Buffy Pic This Month

This, gentlemen, is what I used to know as Shopping Emergency Face. I assume that Miss Gellar had (at least partial) wardrobe approval for her television program, but even the fact that the outfit didn't cost you anything and you chose it is no sure hedge against Shopping Emergency Face. Shopping Emergency Face says, "Looked good on the hanger, looks terrible on." Which it doesn't, of course; it looks fine. Very pretty and very feminine (apart far from the red-and-green Christmas-y colour scheme) and very flattering to a size 3 female, which I assume Miss Gellar is. But it clearly has some repressed unhappy association attached to it which has compelled her usually gorgeous hair to just flatten out around her face, her nose to enlarge, her otherwise non-existent tummy to FLUMP out the front there (*in extremis,* this aspect of unconscious self-uglification can be a leading cause of anorexia) and for her to adopt a posture and her arms to assume a configuration which she hasn't used since she was eight-to-ten years old. Any minute now, she's going to ask someone "This dress makes my ass look fat, doesn't it?" in a tone of voice that will brook no denial. The eye has become infected with the clinical insanity that is held at bay in the female of the species only (and just barely) by the sure awareness that she looks "at least okay." Shopping Emergency Face derives its name from the fact that the opposite effect of a new outfit has been created, and she feels much worse instead of much better. Essentially she is now owed *two* nice new pretty outfits—one of which will serve as compensation for what the "unhappy association dress" has done to her emotionally and psychologically, and the other to take her to the happy state she intended the original purchase to achieve—all the while realizing that this is rather unreasonable of her, which, in turn, only exacerbates the level of clinical insanity now lighting the corner of her eye.

Shopping Emergency Face is a tough one.

Essentially you have to persuade her that she looks fine, get her out of the dress, get the dress way, way, way to the back of her closet (where she won't see it again until she and a girlfriend are sucking back the white wine and going through all her clothes, at which time she can happily give it away with a clear conscience and an alcohol-warmed sense of generosity), get her into clothes in which she is certain she looks "at least okay," and get her to a mall and into a frame of mind to try on other outfits and to buy her two of them if she lacks the independent means to do so. The worst option is to let her buy shoes to go with the unhappy association dress on the assumption that that might be the problem. At that point she will be owed two pretty new outfits and two pairs of completely impractical shoes, and you might be looking at a second mortgage, depending on where she chooses to buy them.

(Sarah Michelle Gellar photo from the fourth-season episode "The Freshman.")

Dave Sim's Favorite Buffy Pic This Month

DAVE'N'GER'S
APPROVAL IS AN AUTHORI-TARIAN CONSTRUCT
IND.
4
MAR.
ANYWAY HERE YOU HAVE MY 2¢
COMICS PARODY LIES!
ALSO IN THIS SENSATIONAL ISSUE...
SAIL-BOATS